

THE CITY OF SAN DIEGO

DEVELOPMENT SERVICES DEPARTMENT

Date of Notice: August 9, 2006

PUBLIC NOTICE OF A

RECIRCULATED DRAFT MITIGATED NEGATIVE DECLARATION

JO: 41-0522

The City of San Diego Land Development Review Division is recirculating a draft Mitigated Negative Declaration for the following project and is inviting your comments regarding the adequacy of the document. **Your comments must be received by September 8, 2006 to be included in the final document considered by the decision-making authorities.** Please send your written comments to the following address: **Marilyn Mirrasoul, Environmental Planner, City of San Diego Development Services Center, 1222 First Avenue, MS 501, San Diego, CA 92101** or e-mail your comments to [mmirrasoul@sanidiego.gov](mailto:mmirrasoul@sanidiego.gov) with the Project Number in the subject line.

**General Project Information:**

- Project No. **5568**, SCH No. **2005051167**
- Community Plan Area: **Carmel Valley**
- Council District: **1**

**Subject: CLEWS HORSE RANCH:** Coastal Development Permit (CDP), Site Development Permits (SDP), Planned Development Permit (PDP), Carmel Valley Planned District Ordinance (CVPDO) amendment, Local Coastal Plan (LCP) Amendment, Rezone, and Multi-Habitat Planning Area (MHPA) Boundary Adjustment for a horse ranch/boarding facility including two single-family residences, a farm employee residence, pastures, a public equestrian easement, historical use area, and open space on a 38.44-acre site located west of Carmel Country Road and south of State Route 56 (A portion of Section 19 and the north half of the southwest quarter of Section 20 and a portion of the northwest quarter of the southeast quarter of Township 14 south, Range 3 West, San Bernardino Base and Meridian). The site is not included on any Government Code Listing of hazardous waste sites.

**Applicant:** Christian Clews

**Recommended Finding:** The recommended finding that the project will not have a significant effect on the environment is based on an Initial Study and project revisions/conditions which now mitigate potentially significant environmental impacts in the following area(s): Historical and Archaeological Resources, Paleontological Resources, Biological Resources/MHPA, Land Use/MHPA, and Hazardous Waste.

**Availability in Alternative Format:** To request this Notice, the Recirculated Mitigated Negative Declaration, Initial Study, and/or supporting documents in alternative format, call the Development Services Department at 619-446-5460 or (800) 735-2929 (TEXT TELEPHONE).

**Additional Information:** For environmental review information, contact Marilyn Mirrasoul at (619) 446-5380. The draft Mitigated Negative Declaration, Initial Study, and supporting documents may be reviewed, or purchased for the cost of reproduction, at the Fifth floor of the Development Services Center. For information regarding public meetings/hearings on this project, contact Project Manager Patricia Grabski at (619) 446-5277. This notice was published in the SAN DIEGO DAILY TRANSCRIPT, placed on the City of San Diego web-site (<http://clerkdoc.sannet.gov/Website/publicnotice/pubnotceqa.html>), and distributed on August 9, 2006.

Robert J. Manis, Assistant Deputy Director, Development Services Department



Land Development  
Review Division  
(619) 446-5460

## Mitigated Negative Declaration

Project No. 5568  
SCH No. 2005051167

**SUBJECT: CLEWS HORSE RANCH:** Coastal Development Permit (CDP), Site Development Permits (SDP), Planned Development Permit (PDP), Carmel Valley Planned District Ordinance (CVPDO) amendment, rezone, and Multi-Habitat Planning Area (MHPA) Boundary Adjustment for the construction of two single-family residences, a farm employee residence, and a horse ranch /boarding facility with a pasture and open space on a 38.44-acre site located west of Carmel Country Road and south of State Route 56 (A portion of Section 19 and the north half of the southwest quarter of Section 20 and a portion of the northeast quarter of the southeast quarter of Township 14 south, Range 3 West, San Bernardino Base and Meridian). JO No. 41-0522.

**Applicant:** Christian Clews

### RECIRCULATION OF A REVISED DRAFT MND

A draft Mitigated Negative Declaration (MND) for this project has already been circulated for public review; however, prior to finalizing the document it was determined that the project should be revised. In conformance with the California Environmental Quality Act (CEQA) Guidelines Section 15073.5, this document must be recirculated because new information and additional mitigation have been added to this document. Comment letters received in response to the first draft MND (on file at the City) were received from Kenneth H. Lounsbury, Esq., John Northrop, Sherry Kempin (accompanied by a petition against the project), a joint letter from the U.S. Fish and Wildlife Service and the California Department of Fish and Game, the San Diego County Archaeological Society, Inc., and a joint letter from the Center for Biological Diversity and the San Diego Audubon Society.

- I. PROJECT DESCRIPTION: See attached Initial Study.
- II. ENVIRONMENTAL SETTING: See attached Initial Study.
- III. DETERMINATION:

The City of San Diego conducted an Initial Study which determined that the proposed project could have a significant environmental effect in the following areas: Historical and Archaeological Resources, Paleontological Resources, Biological Resources/MHPA, Land Use/MHPA, and Hazardous Waste. Subsequent revisions in the project proposal create the specific mitigation identified in Section V of this Mitigated Negative Declaration (MND). The project as revised now avoids or mitigates the potentially significant environmental effects previously identified, and the preparation of an Environmental Impact Report will not be required.

#### IV. DOCUMENTATION:

The attached Initial Study documents the reasons to support the above Determination.

#### V. MITIGATION, MONITORING AND REPORTING PROGRAM:

##### **General measures which must be completed prior to any authorization to proceed:**

1. The Assistant Deputy Director (ADD) of the City's Land Development Review Division (LDR) shall verify that the following statement is shown on the grading and/or construction plans as a note under the heading Environmental Requirements: "The Clews Horse Ranch Project is subject to a Mitigation, Monitoring and Reporting Program (MMRP) and shall conform to the mitigation conditions as contained in the MND (Project No. 5568)."
2. The owner/permittee shall make arrangements to schedule a pre-construction meeting to ensure implementation of the MMRP. The meeting shall include the Resident Engineer, the Project Biologist, Historian, Paleontologist, Archaeologist, and the City's Mitigation Monitoring Coordination (MMC) Section.

#### **Paleontological Resources**

##### **I. Prior to Permit Issuance**

###### **A. Land Development Review (LDR) Plan Check**

1. Prior to Notice to Proceed (NTP) for any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Paleontological Monitoring have been noted on the appropriate construction documents.

###### **B. Letters of Qualification have been submitted to ADD**

1. The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the paleontological monitoring program, as defined in the City of San Diego Paleontology Guidelines.
2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the paleontological monitoring of the project.
3. Prior to the start of work, the applicant shall obtain approval from MMC for any personnel changes associated with the monitoring program.

##### **II. Prior to Start of Construction**

###### **A. Verification of Records Search**

1. The PI shall provide verification to MMC that a site specific records search has been completed. Verification includes, but is not limited to a copy of a confirmation letter from San Diego Natural History Museum, other institution or, if the search was in-house, a letter of verification from the PI stating that the search was completed.

2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.

B. PI Shall Attend Precon Meetings

1. Prior to beginning any work that requires monitoring, the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified paleontologist shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Paleontological Monitoring program with the Construction Manager and/or Grading Contractor.
  - a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
2. Identify Areas to be Monitored  
Prior to the start of any work that requires monitoring, the PI shall submit a Paleontological Monitoring Exhibit (PME) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits. The PME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).
3. When Monitoring Will Occur
  - a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
  - b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate conditions such as depth of excavation and/or site graded to bedrock, presence or absence of fossil resources, etc., which may reduce or increase the potential for resources to be present.

III. During Construction

A. Monitor Shall be Present During Grading/Excavation/Trenching

1. The monitor shall be present full-time during grading/excavation/trenching activities as identified on the PME that could result in impacts to formations with high and moderate resource sensitivity. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities.**
2. The monitor shall document field activity via the Consultant Site Visit Record (CSVR). The CSVR's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion**), and in the case of ANY discoveries. The RE shall forward copies to MMC.
3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as trenching activities that do not encounter formational soils as previously assumed, and/or when unique/unusual fossils are encountered, which may reduce or increase the

potential for resources to be present.

**B. Discovery Notification Process**

1. In the event of a discovery, the Paleontological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or BI, as appropriate.
2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.

**C. Determination of Significance**

1. The PI shall evaluate the significance of the resource.
  - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required. The determination of significance for fossil discoveries shall be at the discretion of the PI.
  - b. If the resource is significant, the PI shall submit a Paleontological Recovery Program (PRP) and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume.
  - c. If resource is not significant (e.g., small pieces of broken common shell fragments or other scattered common fossils) the PI shall notify the RE, or BI as appropriate, that a non-significant discovery has been made. The Paleontologist shall continue to monitor the area without notification to MMC unless a significant resource is encountered.
  - d. The PI shall submit a letter to MMC indicating that fossil resources will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that no further work is required.

**IV. Night Work**

**A. If night work is included in the contract**

1. When night work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
2. The following procedures shall be followed.
  - a. No Discoveries  
In the event that no discoveries were encountered during night work, The PI shall record the information on the CSVr and submit to MMC via fax by 9am the following morning, if possible.
  - b. Discoveries  
All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction.
  - c. Potentially Significant Discoveries  
If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction shall be followed.
  - d. The PI shall immediately contact MMC, or by 8AM the following morning to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.

- B. If night work becomes necessary during the course of construction
  - 1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
  - 2. The RE, or BI, as appropriate, shall notify MMC immediately.
- C. All other procedures described above shall apply, as appropriate.

## **VI. Post Construction**

- A. Submittal of Draft Monitoring Report
  - 1. The PI shall submit two copies of the Draft Monitoring Report (even if negative) which describes the results, analysis, and conclusions of all phases of the Paleontological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring,
    - a. For significant paleontological resources encountered during monitoring, the Paleontological Recovery Program shall be included in the Draft Monitoring Report.
    - b. Recording Sites with the San Diego Natural History Museum  
The PI shall be responsible for recording (on the appropriate forms) any significant or potentially significant fossil resources encountered during the Paleontological Monitoring Program in accordance with the City's Paleontological Guidelines, and submittal of such forms to the San Diego Natural History Museum with the Final Monitoring Report.
  - 2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.
  - 3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
  - 4. MMC shall provide written verification to the PI of the approved report.
  - 5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.
- B. Handling of Fossil Remains
  - 1. The PI shall be responsible for ensuring that all fossil remains collected are cleaned and catalogued.
  - 2. The PI shall be responsible for ensuring that all fossil remains are analyzed to identify function and chronology as they relate to the geologic history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate
- C. Curation of fossil remains: Deed of Gift and Acceptance Verification
  - 1. The PI shall be responsible for ensuring that all fossil remains associated with the monitoring for this project are permanently curated with an appropriate institution.
  - 2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.
- D. Final Monitoring Report(s)
  - 1. The PI shall submit two copies of the Final Monitoring Report to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.
  - 2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

## **Biological Resources: General**

1. Prior to the issuance of any grading permits and/or the first pre-construction meeting, the owner/permittee shall submit evidence to the ADD of LDR verifying that a qualified biologist has been retained to implement the biological resources mitigation program as detailed below:
  - A. Prior to the first pre-construction meeting, the applicant shall provide a letter of verification to the ADD of the LDR stating that a qualified Biologist, as defined in the City of San Diego Biological Resources Guidelines, has been retained to implement the on-site slope restoration and Soledad Canyon (Mira Mesa) Mitigation Site revegetation plans.
  - B. At least thirty days prior to the pre-construction meeting, a second letter shall be submitted to the MMC section which includes the name and contact information of the Biologist and the names of all persons involved in the Biological Monitoring of the project.
  - C. At least thirty days prior to the pre-construction meeting, the qualified Biologist shall verify that any special report, maps, plans and timelines, avian or other wildlife protocol surveys, impact avoidance areas or other such information have been completed and updated.
  - D. The qualified biologist shall supervise the placement of construction fencing (orange construction fencing, silt fencing, or other appropriate barriers) along the limits of disturbance as shown on the approved Exhibit A prior to any clearing or grading activities to protect the off-site sensitive vegetation.
  - E. All construction activities (including staging areas) shall be restricted to the development area as shown on the approved Exhibit A. The qualified biologist shall inspect all construction fencing prior to construction and shall monitor construction activities to avoid impacts on adjacent sensitive vegetation.
  - F. Avian noise mitigation measures shall apply to both the proposed Clews Ranch and the Soledad Canyon Mitigation sites.
  - G. All construction activities (including staging areas) shall be restricted to the development area as shown on the approved Exhibit A. The project biologist shall monitor construction activities as needed to ensure that construction activities do not encroach into biologically sensitive areas beyond the limits of disturbance as shown on the approved Exhibit A.

### *Avian Noise Mitigation Measures*

#### ***Coastal California Gnatcatcher (Federally Threatened), least Bell's Vireo (State Endangered/Federally Endangered), and Southwestern Willow Flycatcher (Federally Endangered) Mitigation***

Coastal California Gnatcatcher (Federally Threatened), least Bell's vireo (State Endangered/Federally Endangered), and Southwestern Willow Flycatcher Mitigation as outlined below shall be required for any grading or clearing activities.

Prior to the issuance of any authorization to proceed, the ADD of LDR (or appointed designee) shall verify that the Multi-Habitat Planning Area (MHPA) boundaries and the following project

requirements regarding the coastal California gnatcatcher, least Bell's vireo, and Southwestern Willow Flycatcher are shown on the grading and building permit plans:

**No clearing, grubbing, grading or other construction activities shall occur between March 1 and August 15, the breeding season of the coastal California gnatcatcher; between March 15 and September 15, the breeding season of the least Bell's vireo; and between May 1 and September 1, the breeding season of the Southwestern Willow Flycatcher, until the following requirements have been met to the satisfaction of the ADD of LDR.**

1. A qualified biologist (possessing a valid Endangered Species Act Section 10(a)(1)(A) Recovery Permit) shall survey habitat areas (only within the MHPA for gnatcatchers) that would be subject to the construction noise levels exceeding 60 decibels [dB(A)] hourly average for the presence of the coastal California gnatcatcher, least Bell's vireo, and the Southwestern Willow Flycatcher. Surveys for this species shall be conducted pursuant to the protocol survey guidelines established by the U.S. Fish and Wildlife Service within the breeding season prior to the commencement of construction. **If the coastal California gnatcatchers, least Bell's vireo, and/or the Southwestern Willow Flycatcher are present, then the following conditions must be met:**
  - a. Between March 1 and August 15 for occupied gnatcatcher habitat, between March 15 and August 15 for occupied least Bells vireo habitat, and between May 1 and September 1 for occupied Southwestern Willow Flycatcher habitat, no clearing, grubbing, or grading of occupied habitat shall be permitted. Areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; **AND**
  - b. Between March 1 and August 15 for occupied gnatcatcher habitat, between March 15 and August 15 for occupied least Bells vireo habitat, and between May 1 and September 1 for occupied Southwestern Willow Flycatcher habitat, no construction activities shall occur within any portion of the site where construction activities would result in noise levels exceeding 60 dB (A) hourly average at the edge of the occupied habitat. An analysis showing that noise generated by construction activities would not exceed 60 dB (A) hourly average at the edge of occupied habitat must be completed by a qualified acoustician (possessing a current noise engineer license or registration with monitoring noise level experience with listed animal species) and approved by the ADD of LDR at least two weeks prior to the commencement of construction activities; **OR**
  - c. At least two weeks prior to the commencement of construction activities, under the direction of a qualified acoustician, noise attenuation measures (e.g., berms, walls) shall be implemented to ensure that noise levels resulting from construction activities will not exceed 60 dB(A) hourly average at the edge of habitat occupied by the aforementioned avian species. Concurrent with the commencement of construction activities and the construction of necessary noise attenuation facilities, noise monitoring shall be conducted at the edge of the occupied habitat area to ensure that noise levels do not exceed 60 dB (A) hourly average. If the noise attenuation techniques implemented are determined to be inadequate by the qualified acoustician or biologist, then the associated construction activities shall cease until such time that adequate noise attenuation is achieved or until the end of the appropriate breeding season.

**★ Construction noise monitoring shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the construction activity, to verify that**



*noise levels at the edge of occupied habitat are maintained below 60 dB (A) hourly average or to the ambient noise level if it already exceeds 60 dB (A) hourly average. If not, other measures shall be implemented in consultation with the biologist and the ADD of LDR, as necessary, to reduce noise levels to below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. Such measures may include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.*

2. If the aforementioned avian species are not detected during the protocol survey, the qualified biologist shall submit substantial evidence to the ADD of LDR and applicable resource agencies which demonstrate whether or not mitigation measures such as noise walls are necessary during the applicable breeding seasons of March 1 and August 15, March 15 and September 15, and May 1 and September 1, as follows:
  - a. If this evidence indicates the potential is high for the aforementioned avian species to be present based on historical records or site conditions, then Condition 1-b or 1-c shall be adhered to as specified above.
  - b. If this evidence concludes that no impacts to the species are anticipated, no new mitigation measures are necessary.
3. If the permittee begins construction prior to the completion of the protocol avian surveys, then the Development Services Department shall assume that the appropriate avian species are present and all necessary protection and mitigation measures shall be required as described in 1 c.

#### **Raptor Mitigation:**

1. **Prior to the Issuance of Grading Permits**  
Prior to issuance of grading permits a qualified biologist shall determine the presence or absence of occupied raptor nests within the project site, with written results submitted to the Assistant Deputy Director (ADD) of Land Development Review Division (LDR).
2. **Prior to Start of Construction**  
If active raptor nests are identified during the pre-grading survey and project construction has the potential to impact raptors during the raptor breeding season (February 1 – September 15) within or adjacent to the MHPA, an appropriate avoidance area must be identified and flagged.

This restriction shall be noted on all grading and construction plans. If raptors nests are located within the distances listed above, weekly biological monitoring of these nests shall be conducted by the project biologist during the breeding season (**February 1 through September 15**) with written results submitted to the ERM of LDR. If no raptor nests are discovered in the trees to be removed, no further mitigation is required.

3. **During Construction**
  1. If raptor nests are discovered during construction activities, the biologist shall notify the Resident Engineer (RE).
  2. The RE shall stop work in the vicinity of the nests. The qualified biologist shall mark all pertinent trees and delineate the appropriate “no construction”

buffer area or as noted in Biological Resources - Raptors measure *I.B.* (above), around any nest sites, satisfactory to the ADD of LDR. The buffer shall be maintained until the qualified biologist determines, and demonstrates in a survey report satisfactory to the ADD of LDR that any young birds have fledged.

4. Post Construction

3. The biologist shall be responsible for ensuring that all field notes and reports have been completed, all outstanding items of concern have been resolved or noted for follow up, and that focused surveys are completed, as appropriate.
4. Within three months following the completion of monitoring, two copies of the Final Biological Monitoring Report (even if negative ) and/or evaluation report, if applicable, which describes the results, analysis, and conclusions of the Biological Monitoring Program (with appropriate graphics) shall be submitted to Mitigation Monitoring Coordination (MMC) for approval by the ADD of LDR.
5. For any unforeseen additional biological resources impacted during monitoring, the rehabilitation, revegetation, or other such follow up action plan(s) shall be included as part of the Final Biological Monitoring Report in accordance with the City of San Diego's Land Development Code, Biological Resources Guidelines (July 2002). Additional mitigation measures may also be required.
6. This report shall address findings of active/inactive nests and any recommendations for retention of active nest, removal of inactive nests and mitigation for offsetting loss of breeding habitat.
7. MMC shall notify the RE of receipt of the Final Biological Monitoring Report.

**Biological Resources/MHPA: Habitat Mitigation:**

Prior the issuance of any grading permit and/or authorization to proceed the ADD of the LDR shall ensure that the following measures are included as notes in the construction plans and grading plans:

The 27.62 acres of on-site MHPA open space lands shall be conveyed to the City's MSCP Preserve through either fee title to the City, conservation easement or covenant of easement granted in favor of the City and wildlife agencies which is recorded on the property. The Owner/Permittee shall manage the preserved areas in perpetuity. All costs associated with the long-term management of the on-site preserved areas shall be the responsibility of the Owner/Permittee or its designated representative.

### **MHPA Conveyance:**

Prior to the issuance of any grading permits, the on-site adjusted MHPA (27.62 acres total) shall be conveyed to the City's MSCP Preserve through either fee title to the City, or a conservation easement or covenant of easement granted in favor of the City and wildlife agencies.

Conveyance of any MHPA land in fee to the City shall require approval from the Park and Recreation Department Open Space Division Deputy Director and shall exclude detention basins or other storm water control facilities, brush management area, landscape/revegetation areas, and graded slopes; these features shall have conservation easements recorded over them if accepted into the MHPA, with maintenance and management responsibilities retained by the Owner/Permittee, unless otherwise agreed to by the City. A copy of the proposed/final method of MHPA conveyance shall be submitted to DSD and MSCP.

### **MHPA Revegetation (Soledad Canyon Site)**

1. Prior to the issuance of any grading permits, the ADD of LDR shall verify that a conservation easement has been recorded over the entire Soledad Canyon site.
2. Prior to any site restoration work at the Soledad Canyon site that could affect sensitive habitat:
  - a. A final signed Soledad Canyon agreement letter with a recorded conservation easement placed over the Soledad Canyon off-site mitigation land shall be provided to the ADD of the LDR.
  - b. The entity/designee selected by the Owner/Permittee to manage the Soledad Canyon restoration shall be acceptable to the City.
3. Prior to the issuance of any grading permits, the Applicant shall provide a final Soledad Canyon Revegetation Plan, including irrigation plans, specifications, monitoring/maintenance requirements and success criteria, satisfactory to the ADD of LDR. The plan shall be in substantial conformance with the Revised Draft Soledad Canyon Restoration Plan (Dated May 9, 2003, revised July 18, 2003 & June 2, 2006 by J. Whalen Associates). Upon successful completion of the revegetation and monitoring program, the property owner may offer this area, in fee, to the City subject to Park and Recreation Department approval.

### **MHPA Revegetation Monitoring Requirements (Soledad Canyon Site):**

1. A minimum five year monitoring program shall be incorporated into the Revegetation Plan for the project. The monitoring program and maintenance of the revegetation are, including weed eradication, supplemental irrigation and replanting (if required) shall be the responsibility of the Applicant.
2. All biological monitoring shall be conducted by the qualified Biologist. The revegetation effort must be visually assessed in September following the first summer after planting to determine mortality of individuals and the initial success of hand-broadcast seeding. The number and species of dead plants must be recorded, along with percent cover. Thereafter, monitoring shall consist of field checks during the spring to assess species

composition, percent coverage and size of individuals. Fall monitoring must be conducted to determine mortality as described above. Permanent photo-documentation stations shall be established to record the progress of the mitigation over the five-year monitoring period.

3. Monitoring shall occur every six months for a minimum of five years.
4. For each monitoring period copies of the interim report shall be submitted to the Applicant. An annual report outlining the results of the interim monitoring surveys shall be submitted by the Applicant to the City of San Diego Development Services Department (Mitigation Monitoring Coordination section) by September 1<sup>st</sup> of each year. The monitoring reports shall describe the current conditions of the site, identify all shortcomings of the revegetation effort, and recommend remedial measures necessary for the successful completion of the mitigation project. Each annual report shall include copies of all previous reports as Appendices. Furthermore, each annual report shall include a Performance Evaluation section where information and results from the monitoring program are used to evaluate the status of the mitigation project in relation to the performance standard approved by the ADD of the LDR in the revegetation plan.
5. At the end of the fifth year, copies of the final report shall be submitted to the City of San Diego Development Services Department (Mitigation Monitoring Coordination section) evaluating the success of the mitigation. The report shall make a determination of whether the requirements of the mitigation plan have been achieved. If the final report indicates that the mitigation has been in part, or whole, unsuccessful, the Applicant shall submit a revised or supplemental mitigation program to compensate for those portions of the original mitigation program which were not successful. At such time, the Applicant must consult with the Development Services Department. The Applicant understands that agreed upon remedial measures may result in extensions to the long-term maintenance and monitoring period. Final acceptance of the mitigation shall include the concurrence of the Park and Recreation Department if the land is deeded over to the City.

#### **MHPA Revegetation Maintenance Requirements (Soledad Canyon site):**

1. The revegetation installation contractor shall be responsible for the maintenance of the mitigation area for a minimum period of 120 days. Maintenance visits shall be conducted on a weekly basis throughout plant establishment. Maintenance activities shall include all items described in the approved Revegetation Plan (See plan requirements). At the end of this period, the Project Biologist shall review the mitigation area to determine the completion of the Plant Establishment Period. Any punch-list items developed during this review shall be completed by the Contractor prior to acceptance of the mitigation installation and initiation of the five-year mitigation monitoring period.
2. A maintenance contractor shall be retained to complete maintenance monitoring activities throughout the five-year mitigation monitoring period. Maintenance visits must be conducted twice per month for the first six months, once per month for the remainder of the first year, and quarterly thereafter. Maintenance activities must include all items described in the approved Revegetation Plan. Plant replacement shall be conducted as

recommended by the Project Biologist's technical assessment.

### **On-site Native Revegetation**

1. Prior to the issuance of any grading permits, the owner/Permittee shall prepare a Final Revegetation Plan for the 0.70-acre of MHPA in the historic area adjacent to CVREP as part of the project's allée planting using only appropriate native species compatible with public safety. The 0.7-acre revegetated area shall be conveyed to the City's MSCP Preserve through either fee title to the City, or a conservation easement or covenant of easement granted in favor of the City and wildlife agencies. The Final Plan shall be prepared consistent with City landscape regulations, and shall be approved by the ADD of LDR prior to the initiation of any site preparation/planting activities.
2. Prior to the issuance of any grading permits, the owner/Permittee shall prepare a Final Slope Revegetation Plan for the on-site graded slopes that abut the MHPA/Open Space using only appropriate native species compatible with public safety. The Final Plan shall be prepared consistent with City landscape regulations, and shall be approved by the ADD of LDR prior to the initiation of any site preparation/planting activities. The revegetated slopes (located outside the MHPA) shall be placed in a native landscape easement, conservation easement, or equivalent granted in favor of the City and wildlife agencies (where applicable) consistent with the approved Exhibit A to the satisfaction of the ADD of LDR. Any proposed changes to the said easement shall be approved by the ADD of LDR, in consultation with MSCP and EAS staff.
3. Prior to the issuance of building occupancy permits, the ADD of LDR shall verify that the conservation or native landscape open space easements or equivalent have been appropriately planted with the native palette per the approved Exhibit A. All costs associated with plan preparation and long-term management of the on-site revegetated slope areas shall be the responsibility of the Owner/Permittee or its designated representative.

### **Land Use/MHPA Adjacency Requirements:**

Prior to the issuance of any authorization to proceed the ADD of the LDR shall ensure that the following measures are included as notes on the grading plans:

1. A qualified project biologist shall inspect all construction fencing prior to construction and shall monitor construction activities to avoid unauthorized impacts
2. All staging areas shall be located within the developed areas as shown in the biology report and the approved plans. All equipment and/or materials related to construction shall be fenced and stored in these designated areas.
3. All construction and staging area limits shall be clearly delineated prior to construction activity with orange construction fencing or silt fencing to ensure that construction activity remains within the defined construction limits.

4. The biologist shall provide direction to construction personnel regard the need to avoid impacts to adjacent sensitive areas.
5. Any hydroseed mix used for erosion control shall only contain native species and shall only be applied under the supervision of the biologist or a landscape architect.
6. All security lighting of the staging areas shall be shielded and directed away from the MHPA and CVREP.
7. No nighttime construction shall be allowed to preclude impacts to the MHPA.
8. No toxic materials or water used during construction related work shall be allowed to be diverted or drained off-site, into the MHPA and/or CVREP, during and after construction activity. The biologist shall ensure that the appropriate measures and control devices are used as needed during construction to deter any drainage toward sensitive habitat.
9. All construction/grading plans shall be made available to crews in the field showing these conditions.
10. Prior to the issuance of any grading permit, the ADD of LDR shall review the landscape plans to ensure that no invasive, non-native plant species shall be introduced into areas adjacent to the MHPA and CVREP.
11. Prior to the issuance of the first grading permit, the ADD of the LDR shall approve a Final Trail Access and Closure Plan that depicts the location, width and character of:  
1) the one public equestrian trail traversing through the proposed Clew's site and connecting with CVREP; and, 2) the passive closure of the on-site trail connection to Fish Head Trail (appropriate fencing and erosion control but not revegetation). The Final Plan shall clearly show all designated trails, access points, parking, protective fencing for sensitive species, fencing for trail closures, recommended erosion rehabilitation area, connections to existing trails and any other element deemed necessary by Park and Recreation to ensure adequate public access.
12. All permanent lighting adjacent to the MHPA and CVREP shall be shielded, unidirectional, low pressure sodium (or similar) illumination and directed away from these areas using appropriate placement and shields.
13. The exterior surface of the water towers adjacent to the MHPA shall be painted or be of a non-reflective material.
14. Appropriate barriers shall be installed and maintained in good condition to provide a permanent barrier between the active horse ranch and the conserved MHPA open space lands.
15. The Landscape Plan shall include a note indicating that non-native plant species identified as invasive by the California Exotic Pest Plant Council shall not be used in this plant palette. Landscaping in areas adjacent to the MHPA and CVREP shall not contain

invasive exotic plant species, and the plant palette use for erosion control (seed mix mixture and plantings) shall reflect those species found in the adjacent MHPA.

### **Animal Waste Management Plan**

Prior to the issuance of building occupancy permits and/r any applicable county, state or federal permits for livestock on-site, a Final Animal Waste Management Plan prepared consistent with the March 16, 2005 draft plan shall be approved by the City. The Final Plan shall contain a description of the project and the purpose of the plan a supporting figure showing all relevant features to address manure management (e.g., bin locations and size, BMPs, pasture area), the number of horses/livestock proposed on-site, any additional livestock from special events, maintenance routine/schedule of pasture area (cleaning prior to the rainy season, frequency of pick-up, etc.) Copies of all county, state and federal permits pertaining to livestock shall be submitted with the Final Plan.

### **Cowbird Mitigation**

Prior to issuance of the building permit, the project applicant shall provide evidence of a fair share contribution to a cowbird trapping program or have arranged for independent trapping for cowbirds by qualified personnel in coordination with the City of San Diego.

### **Historical Resources**

#### **Prior to preconstruction ( precon) meeting**

1. Prior to the issuance of any permit, including but is not limited to, demolition or any discretionary action, the Assistant Deputy Director (ADD) shall verify that the requirement for historical monitoring during alteration, construction and/or restoration has been noted on the Grading/Demolition Plans.
  - a. The physical description including year, type of structure and extent of work shall be noted on the plans.
2. Letters of Qualification have been submitted to ADD
  - a. Prior to the issuance of any permits, including but not limited to, a grading permit or other discretionary action, the applicant shall provide a letter of verification to the ADD of Land Development Review (LDR) stating that a qualified Historian and/or Architectural Historian, as defined in the City of San Diego Historical Resources Guidelines, has been retained to implement the DP and TPs.
3. Second letter containing names of monitors has been sent to MMC.
  - a. At least thirty days prior to the Precon Meeting, a second letter shall be submitted to Mitigation Monitoring Coordination (MMC) of LDR and shall include the names of all persons involved in the historical monitoring of this project and shall be approved by ADD prior to the first Precon Meeting. MMC will provide Plan Check with a copy of both the first and second letter.

4. Documentation Program (DP)

Prior to the issuance of a Demolition or Grading Permit, the DP shall be submitted to the Environmental Analysis Section (EAS) for approval by the ADD of LDR and shall include the following:

A.. Photo DP

- (1) DP shall include professional quality photo DP of the structure prior to demolition with 35mm black and white photographs (4x6 standard format), taken of all four elevations and close-ups of select architectural elements, such as, and ~~not~~ not limited to, roof/wall junctions, window treatments, decorative hardware. Photographs shall be of archival quality and easily reproducible.
- (2) Xerox copies of the photographs shall be submitted for archival storage with the City of San Diego Historical Resources Board, the Land Development Review Division and the South Coastal Information Center. One set of original photographs and negatives shall be submitted for archival storage with the California Room of the City of San Diego Public Library, and the San Diego Historical Society.

B. Required drawings

- (1) Measured drawings of the building's exterior elevations depicting existing conditions or other relevant features shall be produced from recorded, accurate measurements. If portions of the building are not accessible for measurement, or cannot be reproduced from historic sources, they should not be drawn, but clearly labeled as not accessible. Drawings produced in ink on translucent material or archivally stable material (blue-line drawings are acceptable). Standard drawing sizes are 19" x 24" or 24" x 36"; standard scale is 1/4" = 1 foot.
- (2) One set of measured drawings shall be submitted for archival storage with the City of San Diego Historical Resources Board, the Land Development Review Division, the South Coastal Information Center, the California Room of the City of San Diego Public Library, the San Diego Historical Society and other historical society or groups.

5. Prior to the first Precon Meeting, a letter of verification shall be obtained from EAS and copied to MMC verifying that the DP has been approved.

6. Treatment Plan

Prior to the start of work the Historian and/or Architectural Historian shall provide verification that the DP has been completed.



- a) The cottage and barn shall be disassembled and relocated closer together on the new site, near the milking shed.
- b) Existing mature trees shall remain in place, as shown on the attached Site Plan and Landscape/Fencing Concept Plan. An allée shall be created along a portion of the private accessway leading to the Chabad property.
- c) The historical structures shall be reconstructed to the same approximate dimensions and configurations as the existing structures, using the materials salvaged during the disassembly to retain their historical appearance. Where existing materials cannot be salvaged, such as a corrugated metal roof that is damaged beyond use, new materials may be substituted that are consistent with the historic appearance.
- d) The milking shed shall remain in place.
- e) The tack room shall be relocated intact nearer the proposed east residence (Building 5) for use by the ranch manager; however, due to its poor condition, the tack room may be disassembled and reconstructed in the new location, or may remain in its current location.
- f) Modular stalls shall be placed within the barn to allow for its reuse. These modular stalls may be made of metal or fiberglass or tongue and groove, but shall be independent of the barn structure.

#### **Precon meeting**

7. Historian and/or Architectural Historian Shall Attend Precon Meetings  
For all projects: At least thirty days prior to implementation of the MMRP, the applicant shall arrange a Precon Meeting that shall include the Historian and/or Architectural Historian, Construction Manager or Grading Contractor, Resident Engineer (RE), Building Inspector (BI) and MMC. In addition, the Historian and/or Architectural Historian shall attend any focused precon meetings at the request of MMC to make comments and/or suggestions concerning the historical monitoring program with the construction manager and/or grading contractor.
8. Identify Areas to be Monitored  
At the Precon Meeting the Historian and/or Architectural Historian shall submit to MMC a copy of the site/grading plan (reduced to 11x17) that identifies the areas involved in the DP and TP as noted above.
9. DP and TP Construction Schedule  
Prior to the start of any work, The Historian and/or Architectural Historian shall submit a construction schedule for implementation of the DP and TPs and will notify MMC of the start date.

#### **During construction**

10. Monitor Shall be Present During Implementation of TP

The Historian and/or Architectural Historian shall be present during implementation of the TP. The qualified historian shall document activity via the Consultant Site Visit Record. This record shall be sent to the RE or BI, every month. RE or BI will forward copies to MMC.

**11. Night Work**

- a. If night work is included in the contract,
  - (1) The extent and timing shall be presented and discussed at the precon meeting.
  - (2) All work shall be recorded on the Site Visit Record and the RE, or BI, as appropriate, will notify MMC of any unusual circumstances by 9AM the following morning.
  - (3) MMC will coordinate with LDR staff, as appropriate.
- b. If night work becomes necessary during the course of the project
  - (1) The qualified Historian and/or Architectural Historian shall notify the RE, or BI, as appropriate a minimum of 24 hours before work is to begin.
  - (2) The RE, or BI, as appropriate will notify MMC immediately.
- c. All other procedures described above will apply, as appropriate.

**Post construction**

**12. Final Results Report (Historic DP)**

After completion of the MMRP, the Final Results Report (FRP), including historic DP shall be submitted to MMC for review by the ADD of LDR.

**13. Verification of Historic DP Distribution**

Prior to release of the grading bond and/or issuance of any Building Permits or Certificate of Occupancy, the Historical Consultant shall provide verification to the ADD of LDR that copies of the historic DP have been distributed.

**HISTORICAL RESOURCES (ARCHAEOLOGY)**

**I. Prior to Permit Issuance**

**A. Land Development Review (LDR) Plan Check**

- 1. Prior to Notice to Proceed (NTP) for any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Archaeological Monitoring and Native American monitoring, if applicable, have been noted on the appropriate construction documents.

**B. Letters of Qualification have been submitted to ADD**

- 1. The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the archaeological monitoring program, as defined in the City of San Diego Historical Resources Guidelines (HRG). If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour HAZWOPER

- training with certification documentation.
2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the archaeological monitoring of the project.
  3. Prior to the start of work, the applicant must obtain approval from MMC for any personnel changes associated with the monitoring program.

## **II. Prior to Start of Construction**

### **A. Verification of Records Search**

1. The PI shall provide verification to MMC that a site specific records search (1/4 mile radius) has been completed. Verification includes, but is not limited to a copy of a confirmation letter from South Coast Information Center, or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.
3. The PI may submit a detailed letter to MMC requesting a reduction to the 1/4 mile radius.

### **B. PI Shall Attend Precon Meetings**

1. Prior to beginning any work that requires monitoring, the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified Archaeologist shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Archaeological Monitoring program with the Construction Manager and/or Grading Contractor.
  - a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.

## **2. Identify Areas to be Monitored**

- a. Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Exhibit (AME) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits.
  - b. The AME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).
- ### **3. When Monitoring Will Occur**
- a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
  - b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate site conditions such as depth of excavation and/or site graded to bedrock, etc., which may reduce or increase the potential for resources to be present.

### III. During Construction

#### A. Monitor Shall be Present During Grading/Excavation/Trenching

1. The monitor shall be present full-time during grading/excavation/trenching activities which could result in impacts to archaeological resources as identified on the AME. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities.**
2. The monitor shall document field activity via the Consultant Site Visit Record (CSVSR). The CSVSR's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion**), and in the case of ANY discoveries. The RE shall forward copies to MMC.
3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as modern disturbance post-dating the previous grading/trenching activities, presence of fossil formations, or when native soils are encountered may reduce or increase the potential for resources to be present.

#### B. Discovery Notification Process

1. In the event of a discovery, the Archaeological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or BI, as appropriate.
2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.

#### C. Determination of Significance

1. The PI and Native American representative, if applicable, shall evaluate the significance of the resource. If Human Remains are involved, follow protocol in Section IV below.
  - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required.
  - b. If the resource is significant, the PI shall submit an Archaeological Data Recovery Program (ADRP) and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume.
  - c. If resource is not significant, the PI shall submit a letter to MMC indicating that artifacts will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that that no further work is required.

### IV. Discovery of Human Remains

If human remains are discovered, work shall halt in that area and the following procedures set forth in the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) shall be undertaken:

A. Notification

1. Archaeological Monitor shall notify the RE or BI as appropriate, MMC, and the PI, if the Monitor is not qualified as a PI. MMC will notify the appropriate Senior Planner in the Environmental Analysis Section (EAS).
2. The PI shall notify the Medical Examiner after consultation with the RE, either in person or via telephone.

B. Isolate discovery site

1. Work shall be directed away from the location of the discovery and any nearby area reasonably suspected to overlay adjacent human remains until a determination can be made by the Medical Examiner in consultation with the PI concerning the provenience of the remains.
2. The Medical Examiner, in consultation with the PI, shall determine the need for a field examination to determine the provenience.
3. If a field examination is not warranted, the Medical Examiner shall determine with input from the PI, if the remains are or are most likely to be of Native American origin.

C. If Human Remains **ARE** determined to be Native American

1. The Medical Examiner shall notify the Native American Heritage Commission (NAHC). By law, **ONLY** the Medical Examiner can make this call.
2. The NAHC shall contact the PI within 24 hours or sooner, after Medical Examiner has completed coordination.
3. NAHC shall identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information..
4. The PI shall coordinate with the MLD for additional consultation.
5. Disposition of Native American Human Remains shall be determined between the MLD and the PI, IF:
  - a. The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 24 hours after being notified by the Commission; OR;
  - b. The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner.

D. If Human Remains are **NOT** Native American

1. The PI shall contact the Medical Examiner and notify them of the historic era context of the burial.
2. The Medical Examiner will determine the appropriate course of action with the PI and City staff (PRC 5097.98).
3. If the remains are of historic origin, they shall be appropriately removed and conveyed to the Museum of Man for analysis. The decision for internment of the human remains shall be made in consultation with MMC, EAS, the applicant department and/or Real Estate Assets Department (READ) and the Museum of Man.

V. **Night Work**

A. If night work is included in the contract

1. When night work is included in the contract package, the extent and timing shall be

- presented and discussed at the precon meeting.
2. The following procedures shall be followed.
    - a. No Discoveries  
In the event that no discoveries were encountered during night work, The PI shall record the information on the CSVr and submit to MMC via fax by 9am the following morning, if possible.
    - b. Discoveries  
All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction, and IV – Discovery of Human Remains.
    - c. Potentially Significant Discoveries  
If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction shall be followed.
    - d. The PI shall immediately contact MMC, or by 8AM the following morning to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.
  - B. If night work becomes necessary during the course of construction
    1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
    2. The RE, or BI, as appropriate, shall notify MMC immediately.
  - C. All other procedures described above shall apply, as appropriate.

## **VI. Post Construction**

- A. Submittal of Draft Monitoring Report
  1. The PI shall submit two copies of the Draft Monitoring Report (even if negative) which describes the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring,
    - a. For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program shall be included in the Draft Monitoring Report.
    - b. Recording Sites with State of California Department of Parks and Recreation  
The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) any significant or potentially significant resources encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines, and submittal of such forms to the South Coastal Information Center with the Final Monitoring Report.
  2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.
  3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
  4. MMC shall provide written verification to the PI of the approved report.
  5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.

- B. Handling of Artifacts
  - 1. The PI shall be responsible for ensuring that all cultural remains collected are cleaned and catalogued
  - 2. The PI shall be responsible for ensuring that all artifacts are analyzed to identify function and chronology as they relate to the history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.
- C. Curation of artifacts: Accession Agreement and Acceptance Verification
  - 1. The PI shall be responsible for ensuring that all artifacts associated with the survey, testing and/or data recovery for this project are permanently curated with an appropriate institution. This shall be completed in consultation with MMC and the Native American representative, as applicable.
  - 2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.
- D. Final Monitoring Report(s)
  - 1. The PI shall submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.
  - 2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

### **Hazardous Waste**

After project approval and prior to the issuance of the building permit, the owner/permittee shall provide a letter to the ADD of LDR verifying that the County of San Diego Department of Environmental Health concurs that human health, water resources, and the environment are adequately protected from any contamination that may have been present on the site.

### **VI. PUBLIC REVIEW DISTRIBUTION:**

Draft copies or notice of this Mitigated Negative Declaration were distributed to:

#### **City of San Diego:**

Council District 1, Council President Scott Peters  
Development Services Department (78, 78A)  
Carmel Valley Branch Library (81F)  
Library (81)  
Planning Department  
Historical Resources Board (87)  
Park & Recreation (89)  
Facilities Financing Section

#### **Federal, State and County Agencies:**

US EPA (19)

U.S. Fish and Wildlife Service (23)  
US Army Corps of Engineers (26)  
California Department of Fish and Game (32A)  
California Office of Historic Preservation (41)  
Resources Agency (43)  
California Regional Water Quality Control Board (44)  
State Clearinghouse (46)  
Hazardous Materials Mgt. Division, SD County Dept. of Environmental Health (75)

**Others:**

Sierra Club, San Diego Chapter (165)  
San Diego Audubon Society (167)  
Jim Peugh (167A)  
California Native Plant Society (170)  
Center for Biological Diversity (176)  
Endangered Habitats League (182)  
Torrey Pines Association (186)  
San Diego Tracking Team (187)  
Carmen Lucas (206)  
Jerry Schaefer PHD (209)  
South Coastal Information Center (210)  
San Diego Historical Society (211)  
San Diego Archaeological Center (212)  
San Diego Natural History Museum (213)  
Save Our Heritage Organisation (214)  
Ron Christman (215)  
Louie Guassac (215A)  
San Diego County Archaeological Society (218)  
Native American Heritage Commission (222)  
Kumeyaay Cultural Repatriation Committee (225)  
Native American Distribution (225A-R)  
Carmel Valley Community Planning Board (350)  
Carmel Valley Trail Riders Coalition (351)  
Carmel Mountain Conservancy (354)  
Friends of Los Peñasquitos Canyon Preserve, Inc. (382)  
Christian Clews  
RBF Consulting  
Jim Whalen  
Kenneth Lounsbery  
Sherry Kempin  
John Northrop

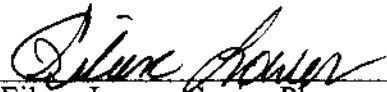
**VII. RESULTS OF PUBLIC REVIEW:**

- ( ) No comments were received during the public input period.
- ( ) Comments were received but did not address the draft Mitigated Negative Declaration finding or the accuracy/completeness of the Initial Study. No response is necessary. The letters are attached.



- ( ) Comments addressing the findings of the draft Mitigated Negative Declaration and/or accuracy or completeness of the Initial Study were received during the public input period. The letters and responses follow.

Copies of the draft Mitigated Negative Declaration, the Mitigation, Monitoring and Reporting Program and any Initial Study material are available in the office of the Land Development Review Division for review, or for purchase at the cost of reproduction.



Eileen Lower, Senior Planner  
Development Services Department

May 27, 2005  
Date of Draft Report

August 9, 2006  
Date of Draft Revised Report

                      
Date of Final Report

Analyst: Mirrasoul

City of San Diego  
DEVELOPMENT SERVICES DEPARTMENT  
LAND DEVELOPMENT REVIEW DIVISION  
1222 First Avenue, Mail Station 501  
San Diego, CA 92101  
(619) 446-6460

INITIAL STUDY  
Project No. 5568  
SCH No. 2005051167

**SUBJECT: CLEWS HORSE RANCH:** Coastal Development Permit (CDP), Site Development Permits (SDP), Planned Development Permit (PDP), Carmel Valley Planned District Ordinance (CVPDO) Amendment, Local Coastal Plan (LCP) Amendment, Rezone, and Multi-Habitat Planning Area (MHPA) Boundary Adjustment for a horse ranch/boarding facility including two single-family residences, a farm employee residence, pastures, a public equestrian easement, historical use area, and open space on a 38.44-acre site located west of Carmel Country Road and south of State Route 56 (A portion of Section 19 and the north half of the southwest quarter of Section 20 and a portion of the northwest quarter of the southeast quarter of Township 14 south, Range 3 West, San Bernardino Base and Meridian). JO No. 41-0522.

**Applicant:** Christian Clews

## **I. PURPOSE AND MAIN FEATURES:**

The proposed CDP, SDPs, PDP, CVPDO amendment, rezone, and MHPA Boundary Adjustment would allow for a horse ranch/boarding facility, two single-family residences, historical use area, two pastures, public equestrian trail, and open space on 11 acres of the 38.44-acre property. In addition, a farm employee residence would be relocated to the site from the existing Clews Ranch; and several historic structures would be relocated within the property (see Figure 2). A rezone and CVPDO amendment are required to allow the proposed uses. The rezone also requires a LCP Amendment which must also be approved by the California Coastal Commission. A CDP is required because the site is located in the coastal overlay zone, City appealable coastal jurisdiction. The PDP is required to link the two existing legal lots and provide the required setback along the exterior property lines with no required setback along the interior property line. A SDP is required due to the potential impacts to steep slopes, sensitive vegetation, flood plain, and historic resources located on the site. In addition, an after-the-fact SDP is required for the demolition of the historic silo (Please see the Historic Resources, Initial Study discussion). No encroachment into steep hillsides or the flood plain areas are proposed.

## **Background Information: Land Exchange**

The project site, located west of Carmel Country Road and south of State Route 56 (see Figures 1 and 2), is part of a land exchange with the City of San Diego. This land exchange was authorized by the City Council by Resolution 294309 on November 29, 2000. The applicants are exchanging 80 acres of undisturbed Del Mar Mesa land, identified as second priority of the City's acquisition projects for the Multiple Species Conservation Program (MSCP), for two parcels totaling 38.66 acres of former farmland and a portion (1.6 acres) of a property known as "Mesa Top" owned by the City of San Diego. Escrow on the property transfer has closed. While the acreage of the land exchange was described as 38.66 acres, a recent survey resulted in the determination that the total acreage was 38.44 acres.

## **Proposed Structures/Uses**

The project includes the construction of sixty-four 24-foot by 24-foot corrals, a new barn, a round pen, a walker, a club house, two arenas, bleachers, a wash rack, ten tack rooms, an office, foaling pens, and stud pens. In addition, two single-family residences would be built in the early California ranch style consistent with the proposed zone, and the on-site historical structures. The early California ranch style is exemplified by simple building massing, an overall horizontal form, tile roofs, deep-set windows, wood detailing, courtyards and thick walls. A mobile home, with a maximum capacity of six occupants, would be relocated from the existing ranch site to provide housing for the one full-time worker. The existing historic Beth's Cottage, barn, and tack room would be relocated on-site while the existing milking shed and silo would remain in their same locations. The existing boat shed would be demolished. The barn would be used for breeding horses or as an office for visiting veterinarians. Beth's Cottage would be used as an office for the breeding barn, while the milk shed and tack room would be used for equipment storage. Two pastures of 8,500 and 35,000 square feet would be constructed to accommodate 135 horses and 16 cows. Development on the Hill Top property would be limited to the construction of a single family house and a portion of a pasture.

The Clews Horse Ranch would host daytime events such as clinics, trail rides, and horse shows in the show arena which adjoins the ranch buildings. The Clews periodically hold clinics and other gatherings for serious equestrians, not on any particular schedule. These clinics would be held approximately once or twice a year with 6 to 12 student participants, approximately 30 to 50 spectators, and 25 horses. For larger groups, the guests would stay in local hotels. There are no special accommodations for overnight guests on the current ranch, and none are proposed at the new ranch. Of the 45 parking spaces provided, 36 would be located adjacent to the corrals.

## **Grading**

Approximately 9.38 acres of the 38.44-acre site would be graded for this development. The ranch construction would require approximately 21,000 cubic yards of cut at a depth of 18 feet and 21,000 cubic yards of fill with a maximum depth of 11 feet. No soil would be exported. The maximum height of the 2:1 fill slopes would be 8 feet; and the maximum height of the 2:1 cut slopes would be 24 feet. During the time the proposed project has been processed with the City, the applicant received permission from the City to install temporary facilities on a portion of the site zoned for agricultural uses (AR1-1). Minor grading and grubbing in areas that had previously been disturbed occurred, totaling approximately one acre of the site, to allow temporary placement of several corrals and a round pen on the western portion of the property. However, the corrals will not be utilized until after project approval. The City required that a landscape business currently using a portion of the project site be removed by August 15, 2006.

## **Landscaping**

The landscaping design (See Figure 3) would retain some of the existing London Plane, California Pepper, and Pine Trees. In addition 24-inch-box and 15-gallon Allepo Pine (*Pinus halepensis*)\*, Torrey Pine (*Pinus torreyana*), California Sycamore (*Platanus racemosa*)\*, Fremont Cottonwood (*Populus Fremont*), and California Pepper (*Schinus molle*)\* trees would be planted. The proposed shrubs would include 5-and 1-gallon Bougainvillea (*Bougainvillea brasiliensis*)\*, Flat Top Buckwheat (*Erigeron Fasciculaum*), 'Frades' (*Escallonia exoniensis*)\*, Toyon (*Heteromeles arbutifolia*), Prickly Pear Cactus (*Opuntia littoralis*), Plumbago "Summer Snow" (*Plumbago scandens*)\*, Cape Honeysuckle (*Tecomaria capensis*)\*, and Lemonade Berry (*Rhus integrifolia*). All of the above designated with an asterisk (\*) would be planted only in the interior of the project and not adjacent to CVREP and the MHPA. The slope groundcover would include a hydroseed mix consisting of *Achillea Millefolium*, *Croton Californicus*, *Eriophyllum Confertiflorum*, *Eschscholzia Californica*, *Iva Hayensis*, *Lasthenia*

Californica, Layia Platyglossa, Lotus Scoparius, Lupinus Nanus, and Mimulus Aurantiacus Puncus. Coastal Prickly Pear Cactus would be used in conjunction with the Peeler pole fence in some areas. A landscape palette consistent with the adjacent MHPA would be required for the erosion control of the manufactured slopes adjacent to the MHPA.

### **Access/Drainage**

As shown on Figure 4, one public equestrian trail would traverse the proposed horse ranch and would connect with Carmel Valley Restoration and Enhancement Project (CVREP). Another on-site trail connecting to the Fish Head Trail would be closed. Vehicular access would be taken off of Carmel Country Road; and parking for 45 cars would be provided for the development as shown on the site plans. The proposed access onto Carmel Country Road would be right turn-in and right turn-out only. Site drainage would be directed via storm drain to Carmel Valley Creek.

### **Fire and Police Protection.**

The site would be served by Engine 24 from Fire Station 24 at Del Mar Heights and Hartfield with a response time of 5.1 minutes, Engine 41 from Fire Station 41 at Scranton and Carroll Canyon Roads with a response time of 9.8 minutes, Engine 40 and Truck 40 from Fire Station 40 at Salmon River and Paseo Montalban with response times of 10.8 minutes. Two 5,000-gallon privately-owned water storage tanks with associated fire hydrants would be installed adjacent to the single-family residences to provide emergency water. These tanks are required by the Fire Department to provide protection for dwellings and other structures where water is supplied by domestic water meters. The residences would also be sprinklered. The project is located within Police Beat 117 in the Carmel Valley community which is in the boundaries of the Northern Police command. The response times for Beat 117 are 10.45 minutes for Priority E calls compared to the city-wide average of 7.24 minutes, and 23.07 minutes for Priority One calls compared to the city-wide average of 14.35 minutes.

## **II. ENVIRONMENTAL SETTING:**

The proposed development site is vacant with the exception of several historic buildings discussed previously, and is located entirely within the MHPA just west of Carmel Country Road and south of State Route 56. The CVREP, a significant wildlife corridor, is located to the north and west of the site and is separated from the property by a small paved road, public trails, and fencing (in most areas). A City of San Diego future park site is also located to the west and southwest. Undeveloped land within the MHPA is located to the south and west of the property; while Carmel County Road is located next to the eastern property boundary.

The property is located in the Carmel Valley Community Planning area within the Coastal Overlay Zone; and a portion of the project site and the City park property to the west are designated as open space in the Carmel Valley Neighborhood 8 Precise Plan, the adopted land use plan for this portion of Carmel Valley. A portion of the site is also part of the Mesa Top property which is within Carmel Valley Neighborhood 8 but was not included within the precise plan boundaries. The Mesa Top property was designated as open space in the Carmel Valley Community Plan as a result of the land use plan amendment adopted for the MSCP in 1999.

The proposed project site is currently zoned Multi-Family Residential (MF-1), Open Space (OS), and Agricultural (AR-1-1) in the Carmel Valley Planned District Ordinance (CVPDO). The applicant proposes to rezone portions of the property from MF-1 to AR-1-1, OS to AR-1-1, AR-1-1 to OS, and MF-1 to OS (see Figure 5). The area to the south is currently zoned OC-1-1 and AR-1-1, the area to the east is zoned AR-1-1, the area to the west is zoned OS and MF-1 and the area to the north is zoned MF-1-1. The Federal Emergency Management Agency (FEMA) has mapped the floodplain of Carmel

Valley Creek as a Special Flood Hazard Area Zone X; however, the proposed horse ranch development would be located outside the floodplain. The site is located within the Los Peñasquitos watershed, which is considered an impaired water body.

The project site contains a mesa with steep slopes to the north and east on the eastern two-thirds of the property. A valley is located to the west of this mesa and fans out to flatter land to the north and west. Steep slopes are present on the southern site boundary, which leads to another mesa off-site. A dirt road runs north-to-south across the eastern portion of the site and there are several trails, which traverse portions of the mesa top. Portions of the project site have been disturbed by past agricultural use while the steepest slopes and coastal bluffs contain sensitive habitat.

The on-site vegetation includes Coastal Sage Scrub, Southern Maritime Chaparral, mixed Coastal Sage Scrub/Southern Maritime Chaparral, Riparian habitat, Sycamore trees, Elderberry Grove, Eucalyptus Woodland, non-native grassland, disturbed habitat, and ornamental plantings.

### **III. ENVIRONMENTAL ANALYSIS: See attached Initial Study checklist.**

### **IV. DISCUSSION:**

The attached Initial Study checklist summarizes the issues that were considered during the review of this project. Of these, the following potentially significant but mitigable issues were identified. All referenced reports are available for public review at the offices of the Land Development Review Division as described in the public notice.

#### **Biological Resources/MHPA**

Since the project is located in the MHPA and could potentially impact sensitive biological resources a "Biological Resources Report for the Clews Horse Ranch" (May 20, 2005) was prepared by Affinis.

#### **On-Site Habitat**

According to the report, eight habitats or vegetative associations occur on the project site. The habitats include 10.94 acres of Coastal Sage Scrub (Tier II), 7.63 acres of Southern Maritime Chaparral (Tier I), 3.87 acres of Southern Maritime Chaparral/Coastal Sage Scrub (Tier 1), 2.02 acres of riparian habitat, 0.27 acre of Elderberry Grove (Tier IIIB), 0.37 acre of Eucalyptus Woodland (Tier IV), 8.08 acres of Non-Native Grassland (Tier IIIB), 1.99 acres of disturbed vegetation (Tier IV) and 1.0 acre of ornamental vegetation (Tier IV). The site also includes 2.17 acres of developed land (see Figure 6).

#### **Zoological Resources – Fauna**

Twenty-eight bird species, one reptile (side-blotched lizard), and four mammals were observed or detected on the property. None were considered sensitive. However, the sighting of mammals and the detection of their presence (tracks, scat) provided evidence that the property provides habitat for the movement of wildlife from CVREP across the site to undeveloped land to the south within the MHPA.

#### **Narrow Endemics/Sensitive Species/Sensitive Animals**

No narrow endemics were observed on the property during recent and prior surveys. However, five sensitive species were observed on the property, which included the Del Mar Manzanita, Wart-stemmed Ceanothus, Nuttall's Scrub Oak, Del Mar Sand Aster, and San Diego Barrel Cactus. A focused survey conducted in April 2004 failed to detect *Dudleya Bevilfolia*. No vernal pools were observed and would not be expected due to the soil types present in the area. The City of San Diego has completed its Vernal

Pool inventory, and no pools have been recorded on the property. There is on-site habitat that could support the California Coastal Gnatcatcher, Southwestern Willow Flycatcher, and Least Bells Vireo.

#### Rare Plants

The project would impact some Nuttall's scrub oak and/or hybrid scrub oaks during the site development. However, the rest of the Nuttall's Scrub Oak, and all of the Del Mar Manzanita, Wart-Stemmed Ceanothus, Del Mar Sand Aster, and San Diego Barrel Cactus would remain conserved within the project's MHPA open space.

#### Direct Impacts

The proposed project would have an 11.0-acre footprint; however, consistent with the MSCP the proposed 0.18-acre public trail through the footprint is excluded from the impact calculations and MHPA encroachment calculations due to the public benefit of the trail. Approximately 94 percent of the proposed project would be located on the least environmentally sensitive areas of the site, but the project would impact Non-Native Grassland and Mixed Coastal Sage Scrub and Southern Maritime Chaparral on the 1.60-acre portion of the Hill Top property included within the project site. Implementation of the project (excluding the trail impacts) would result in 10.82 acres of direct development impacts on 6.72 acres of Non-Native Grassland, 1.04 acres of Disturbed Land, and 0.37 acre of Eucalyptus Grove, 0.05 acre of Coastal Sage Scrub, 0.56 acre of Coastal Sage/Maritime Chaparral, and 0.27 acre of Elderberry Grove. The impacts to non-native grassland, Coastal Sage Scrub, and Coastal Sage/Maritime Chaparral are considered significant and require on-site preservation and a MHPA boundary adjustment.

Table 1 on the next page describes the direct impacts, mitigation and the acreage preserved in open space:

**Table 1**

Project Impacts/Mitigation Requirements/Open Space Preservation (MHPA)							
Habitat Type		Total Acres	Tier	Mitigation Ratio <sup>1</sup>	Acres Impacted	Acres Mitigation	Acreage Preserved in Open Space (MHPA) <sup>5</sup>
Uplands	Southern Maritime Chaparral	7.63	I	1:1	0	0	7.63
	Coastal Sage Scrub/Maritime Chaparral <sup>6</sup>	3.87	I	1:1	0.56	0.56	3.31
	Coastal Sage Scrub <sup>6</sup>	10.94	II	1:1	0.05	0.05	10.89
	Non-native Grassland <sup>6</sup>	8.08	IIIB	0.5:1	6.72	3.36	1.36 <sup>3</sup>
	Elderberry Grove <sup>2</sup>	0.27	IIIB	0.5:1	0.27	0.14	0 <sup>3</sup>
	Eucalyptus Grove	0.37	IV	0:1	0.37	0	0
	Disturbed	1.99	IV	0:1	1.04	0	0.95
	Developed <sup>4</sup>	2.17	IV	0:1	1.81	0	0.36
	Ornamental	1.0	IV	0:1	0	0	1.0
Wetlands	Sycamore	0.10	N/A	3:1	0	0	0.10
	Riparian	2.02	N/A	3:1	0	0	2.02
<b>Total Acreage</b>		<b>38.44</b>	<b>--</b>	<b>--</b>	<b>10.82</b>	<b>4.41</b>	<b>27.62</b>

1. Mitigation ratio for impacts within the MHPA.

2. Assigned the same tier as non-native grassland because is surrounded by non-native grassland.

3. The deficit of 2.14 acres, (3.36 – 1.36) of non-native grassland and 0.14 acre of elderberry grove, would be met by using 2.14 acres of surplus Coastal Sage Scrub habitat.

4. The 11-acre development envelope includes the 0.18 acre public use trail.

5. All lands within the MHPA would be dedicated as permanent open space easements in favor of the City of San Diego.

6. 0.56 acre of Coastal Sage Scrub/Maritime Chaparral, 0.05 acre of Coastal Sage Scrub, and 0.60 acre of Non-Native Grassland would be mitigated off-site as part of the boundary adjustment. This would be in addition to the on-site preservation areas. (See Figure 6)

7. 0.7-acre of Non-Native grassland in the historic area would be revegetated with the native seed mix described in the earlier landscaping section.

As shown in the Table 1 the acreage of on-site habitat to be conserved would be sufficient to meet the requirements of the City's adopted Biology Guidelines within the appropriate or better tiers within the MHPA; and the applicant would be required to provide a conservation easement over 27.62 acres of MHPA/open space lands on-site. The project would also revegetate the on-site 0.7-acre historic area and the manufactured slopes with a native seed mix. However, since the project exceeds the allowable 25 percent encroachment into the MHPA by 1.21 acres (10.82 acres – 9.61 acres) a MHPA boundary adjustment was required (Please see Land Use/MHPA Boundary Adjustment/Conformance with MSCP Discussion).

## MHPA Adjacency Issues

### *Drainage*

The project site drains from south to north towards Carmel Valley Creek which contains a series of culverts that were installed as part of CVREP to accept this drainage. The proposed ranch would add minimal impervious surface, and the runoff from the site would be prevented from draining directly into the MHPA. Vegetated swales would be installed along portions of the project perimeter to capture runoff and direct it away from the adjacent MHPA toward an existing 48-inch culvert within the CVREP. Gravel roads and parking areas, where allowed by the Fire Department, are proposed to minimize increases in runoff. Animal waste (See Animal Waste Management Plan discussion) would be collected from around the site and temporarily stored in facilities that are covered to prevent exposure to rainfall, and self-contained to prevent contaminated runoff from leaving the site. Similar measures would be used for the areas used to store animal bedding, feed, and other materials. On-site rip-rap aprons have been placed downstream of storm drain outlets as part of CVREP, and a bio-retention drainage basin would capture and retain storm water first-flush. All of these measures would prevent the direct discharge into the adjacent MHPA (See Water Quality/Hydrology Section for additional details). All water quality treatment facilities and activities would occur within the development envelope, and outside the proposed MHPA preserve area.

### *Lighting/Glare*

All lighting would be shielded and directed inward to avoid spillover into the CVREP and the MHPA open space. The arena lighting would not be used past 10:00 pm, and dusk-to-dawn security lighting would be located at buildings in the interior of the project. The proposed water tanks would be painted or covered with a non-glare or non-reflective material to preclude impacts to the MHPA consistent with the MSCP Subarea Plan.

### *Noise*

The ranch operation and the residences are not expected to result in noise impacts to the MHPA especially due to the proximity of State Route 56. However, short term noise impacts may occur during the construction required for the creation of terraced pads for the ranch homes and corrals. The construction would be required to be consistent with the San Diego Municipal Code Section 59.5.0404 which limits the noise at or beyond the property line exceeding 75 dB (A) Leq within a 12-period from 7:00 am to 7:00 pm, as well as the hours and days of construction. In addition, specific mitigation would be required to protect sensitive species.

### *California Gnatcatcher, Least Bell's Vireo, Southern Willow Flycatcher Mitigation*

While the California Gnatcatcher, Least Bell's Vireo, Southern Willow Flycatcher were not observed during the earlier biological surveys, additional surveys would be required to determine their presence prior to construction. If they are present standard mitigation would be required which would restrict grading during the breeding seasons for each species unless it could be demonstrated that noise levels in the MHPA could be reduced to below 60 decibels [dB(A)] hourly average or to existing ambient noise levels.

### *Raptor Mitigation*

While no raptor nests were observed the potential for raptors nesting on-site in the adjacent CVREP riparian habitat within the MHPA exists. Therefore, standard mitigation measures to protect raptors



would be required which would include surveys for active raptor nests and the implementation of an appropriate buffer from active raptor nests within the MHPA.

Compliance with the Migratory Bird Act Treaty and the California Fish and Game Code Section 3503 which prohibits direct impacts to active bird nests would also preclude potential impacts to nesting birds within and outside the MHPA.

### *Barriers/Wildlife Movement*

As mitigation, ranch perimeter fencing would also be installed to protect the adjacent CVREP and MHPA open space. The fencing would be a combination of pipe-rail (some from the existing ranch), peeler-pole, and a combination of peeler-pole with cactus plantings. Pipe-rail fencing would be used for the containment of horses and other large enclosures. The fence would vary from four and one-half to six feet high (please see Figure 2). The proposed fencing would allow wildlife to continue to move across the MHPA open space easement on the ranch property and would contain the horses within the developed portion of the ranch. The incorporation of welded mesh into the fencing would be minimal and limited to the corrals near the center of the ranch or other such areas, if used. The existing fence opening at the northeastern edge of the Fish Head Trail parking lot and CVREP would remain.

The project would have equestrian access to an existing trail in one location and would also have access to the existing Fish Head Trail. Physical barriers would be used to discourage the continued use of unofficial trails on the property, and signage would be posted on fencing, where appropriate, stating "Sensitive Biological Habitat – Please Stay on Existing Trails." No new trails and only existing trails would be designated for public use, and no additional improvements are proposed. The public trails were selected in consideration of their existing condition and proximity to adjacent habitats. All of the requirements for the on-site trails would be captured in a final Trail Access and Closure Plan which is required as a condition of the project approval. As part of the Carmel Mountain Preserve Management Plan, the City of San Diego may also place fencing along the edge of certain trails in City-owned open space areas to the south of the new ranch to avoid an minimize indirect impacts to sensitive species. Signage would also be posted to keep visitors on the existing trails as part of the management plan.

While a portion of the project site adjacent to the CVREP would be developed, most of the eastern half of the site would remain undeveloped and would continue to provide a linkage from CVREP to the land to the south within the MHPA. Preservation of the slopes and mesa top would allow continued use of the site by wildlife. Along the western side of the site, wildlife movement would be maintained from Carmel Mountain through the site and Creekside Villas to CVREP.

### *Animal Waste Management Plan*

An "Animal Waste Control Plan" (November 2004) was prepared by RBF Consulting for the proposed project. According to the report, a commercial, covered roll-off manure bin would be located on-site. The manure bin would be screened to prevent flies, used for short-term storage of manure, and would be emptied on an as-needed basis or at least once every month. The manure would be taken to an approved landfill or composting facilities. The ranch would be raked and cleaned daily (cleaning does not involve the use of water), and the pastures would be cleaned (quarterly) including prior to the rainy season. There would be no spreading of the manure which could attract cowbirds. No additional manure dumpsters would be required for special events because typically only an additional 25 horses would be brought to the events. It is not anticipated that runoff from the horse-keeping activities would enter the downstream drainages and any potential runoff would be treated prior to release in the bio-swales and bio-retention area (Please see Water Quality Section). Note that there is an existing swale that captures significant rain runoff on the northern boundary of the ranch site. The horse ranch operation would be

regulated by the San Diego County Department of Environmental Health (DEH), and the Animal Waste Control Plan must be approved by DEH.

#### *Cowbird Trapping Program*

There is a Priority 1 MSCP directive to implement a cowbird trapping program in Neighborhood 8 and in CVREP to prevent and control the parasitism of sensitive songbird nests (least Bell's vireo and gnatcatchers); however, a cowbird trapping program has yet to be established in the area. As mitigation for potential impacts by cowbirds, the project applicants would be required to either contribute their fair share to such a program or arrange for independent trapping of cowbirds by qualified personnel in coordination with the City.

#### *Landscaping/Invasives/Brush Management*

Consistent with the MSCP Subarea Plan no invasive species would be planted adjacent to the CVREP and MHPA. A landscape palette of native species consistent with the adjacent MHPA would be required for erosion control of the manufactured slopes. Brush management Zone 2 which calls for thinned vegetation is proposed for the MHPA open space adjacent to the eastern single family residence and the farm employee housing.

#### **Land Use/MHPA Boundary Adjustment/Conformance with MSCP**

##### *Land Use – Land Exchange*

The project site is part of a land exchange with the City of San Diego. This land exchange, authorized by the City Council by Resolution 294309 on November 29, 2000, allows the exchange of 80 acres of undisturbed Del Mar Mesa land, designated as open space/habitat acquisition by the Del Mar Mesa Specific Plan, for two parcels totaling 38.66 acres of former farmland and a portion of a property known as "Mesa Top" owned by the City of San Diego. Escrow on the property transfer has closed. The project site is located entirely within the MHPA; therefore, the resolution required that any treatment/development of the site must follow the 25 percent development area provisions, including the restriction that the planned horse ranch not fence off the remaining 75 percent open space nor use the open space to accommodate horses or livestock. The Resolution also stated that the Neighborhood 8 Precise Plan be amended to establish the MHPA boundary of the entire parcel excluding the 25 percent developable area. A rezone is being processed to establish the development boundaries in lieu of a plan amendment (See Figure 2).

##### *Land Use Plan*

The project site is located within Carmel Valley Neighborhood 8, one of the neighborhood development units identified in the 1975 North City West/Carmel Valley Community Plan. The Carmel Valley Community Plan requires preparation of precise plans for each of 10 neighborhood development units within the community. The Carmel Valley Neighborhood 8 Precise Plan was adopted in 1984 and designated land uses and proposed Carmel Valley Planned District zoning for the area. The development concept in the Precise Plan generally locates residential uses in the flatter areas above the Carmel Creek floodway and identifies the steep slopes and floodway as open space. The Precise Plan does not preclude development within areas identified as open space provided the development is sited to preserve steep slopes and natural vegetation. The Precise Plan also identifies specific uses that may be located within open space, including recreation areas, landscape amenities, and a golf course. The project proposes to site the development within the flatter portions of the site while the steeper portions of the site would remain undeveloped.

### *Boundary Adjustment*

The entire project site of 38.44 acres is located within the MHPA. The project footprint would be located on the least environmentally sensitive area as required by the MSCP Subarea Plan and the Environmentally Sensitive Lands Ordinance. While the allowable 25 percent encroachment is 9.61 acres the project would require 11.0 acres. This 11.0-acre area includes the 10.82-acre working ranch, and a 0.18 acre eight-foot-wide public equestrian trail through the ranch. The trail is an allowed use within the MHPA and would not be counted in the project impacts. Therefore, the net development area would be 10.82 acres (11.00-0.18). Since the development footprint exceeds the allowable acreage by 1.21 acre (10.82 – 9.61) a MHPA boundary adjustment would be required to remove 1.21 acre of habitat from the MHPA. The habitat encroachments, in excess of the 25 percent allowable, include 0.56 acre of Tier I Coastal Sage/Maritime Chaparral and 0.05 acre of Tier II Coastal Sage Scrub, and 0.60 acre of Tier IIIB non-native grassland. The boundary line adjustment is subject to the approval of the City of San Diego, the California Department of Fish and Game, and the U.S. Fish and Wildlife Service.

### *MHPA Replacement Land/Soledad Canyon Environmental Preserve*

The 9.39-acre Soledad Canyon MHPA replacement site, Soledad Canyon Environmental Preserve, is located in the middle of a large open space system and lies within the Core Biological Resource Area, Los Peñasquitos Lagoon/Del Mar Mesa/Peñasquitos Canyon, of the MHPA (see Figures 4 and 5). Soledad Canyon is identified as one of the two active wildlife corridors connecting Miramar to the southeast with Los Peñasquitos. Eventually, due to development, the Soledad Canyon connector will be the last remaining functional wildlife corridor connecting Miramar with Los Peñasquitos Canyon, and the addition of the MHPA replacement site would help ensure the functioning of the MSCP preserve in north San Diego. The inclusion of the Soledad Canyon replacement land would help preserve a linkage of substantially greater diversity than is present.

The 9.39-acre Soledad Canyon site containing 3.38 acres of land within the MHPA and 6.01 acres of land outside the MHPA was purchased by four applicants requiring MHPA boundary adjustments for projects within Carmel Valley. The applicant has proposed to provide 1.72 acre of replacement land outside the MHPA and 0.97-acre of Southern Maritime Chaparral, Coastal Sage Scrub and Native Grassland (created or preserved inside the MHPA) at a 9.39-acre parcel in Soledad Canyon for the MHPA boundary line adjustment purpose. In addition, 0.7-acre of the Non-Native Grassland historic area would be revegetated with a native seed mix as part of the project's allée. The applicants propose to use this land as shown in Table 2 on the next page:

**Table 2**

<b>Project</b>	<b>MHPA Replacement Acreage Needed</b>	<b>MHPA Replacement Acreage Available On-Site</b>		<b>Total Acres Owned</b>	<b>% Ownership</b>
		<b>Outside MHPA</b>	<b>Inside MHPA</b>		
<b>Carmel View</b>	2.70	1.68	0.94	2.62	27.90
<b>Clews Horse Ranch</b>	1.21	1.72	0.97	2.69	28.60
<b>Peppertree Point</b>	2.41	2.40	1.35	3.75	39.90
<b>Gerst Residence</b>	0.22	0.22	0.12	0.34	3.60
<b>Total</b>	6.54	6.02	3.38	9.39	100.00

The replacement land was surveyed and mapped in May, 2001 by Ecological Ventures California, and at that time, supported approximately 2.0 acres of Tier I, Southern Maritime Chaparral, 4.2 acres of Tier II, Diegan Coastal Sage Scrub, and 3.1 acres of Tier IIIB, non-native grassland. Subsequently, it was determined that vegetation had been removed from a portion of the property and that unapproved construction activity was taking place. As a result, the non-native grassland and disturbed Coastal Sage portions of the property are proposed to be restored/revegetated with Southern Maritime Chaparral, Coastal Sage Scrub, and native grassland habitats. On October 10, 2005 the land was resurveyed by Dudek which resulted in the revised on-site habitat acreages shown in Table 3. The MHPA replacement land would be either land containing existing habitats or land revegetated as part of the "Revised Conceptual Restoration Plan, Soledad Canyon Environmental Preserve" (May 9, 2003) prepared by The Environmental Trust, revised July 18, 2003 by J. Whalen Associates, revised December 22, 2005 by Dudek & Associates, and revised June 2, 2006 by J. Whalen Associates as shown in Table 3 on the next page:

**TABLE 3. TRACKING MATRIX FOR USE OF MHPA REPLACEMENT LAND ON SOLEDAD CANYON**

OWNER	EXISTING & REVEGETATION <sup>2</sup>	INSIDE MHPA (ACRES) <sup>1</sup>				OUTSIDE MHPA (ACRES) <sup>1</sup>				ADJUSTMENT CURRENTLY PROPOSED	REMAINDER/DEFICIT
		SMaC	CSS	NG <sup>4</sup>	SUBTOTAL	SMaC	CSS	NG <sup>4</sup>	SUBTOTAL		
Carmel View  27.90%	Existing	0.287	0.181	0.000	0.468	0.003	1.069	0.000	1.072	2.700 <sup>5</sup>	+0.237 Outside
	Revegetation	0.123 <sup>2</sup>	0.209 <sup>3</sup>	0.142 <sup>4</sup>	0.474	0.089 <sup>2</sup>	0.477 <sup>3</sup>	0.039 <sup>4</sup>	0.605		+0.942 Inside
	Subtotal <sup>6</sup>	0.410	0.390	0.142	0.942	0.092	1.546	0.039	1.677		
Clews Horse Ranch  28.60%	Existing	0.295	0.186	0.000	0.481	0.003	1.097	0.000	1.100	1.210 <sup>7</sup>	0 Outside
	Revegetation	0.126 <sup>2</sup>	0.215 <sup>3</sup>	0.146 <sup>4</sup>	0.487	0.092 <sup>2</sup>	0.489 <sup>3</sup>	0.040 <sup>4</sup>	0.621		0 Inside
	Subtotal <sup>6</sup>	0.421	0.401	0.146	0.968	0.095	1.586	0.040	1.721		
Pepper Tree Point  39.90%	Existing	0.410	0.259	0.000	0.669	0.004	1.525	0.000	1.529	2.412	0 Outside
	Revegetation	0.176 <sup>2</sup>	0.299 <sup>3</sup>	0.203 <sup>4</sup>	0.678	0.128 <sup>2</sup>	0.682 <sup>3</sup>	0.056 <sup>4</sup>	0.866		+1.279 Inside
	Subtotal <sup>6</sup>	0.586	0.558	0.203	1.347	0.132	2.207	0.056	2.395		
Gerst Residence  3.60%	Existing	0.038	0.024	0.000	0.062	0.000	0.140	0.000	0.140	0.221	0 Outside
	Revegetation	0.016 <sup>2</sup>	0.027 <sup>3</sup>	0.018 <sup>4</sup>	0.061	0.012 <sup>2</sup>	0.062 <sup>3</sup>	0.005 <sup>4</sup>	0.079		+0.115 Inside
	Subtotal <sup>6</sup>	0.054	0.051	0.018	0.123	0.012	0.202	0.005	0.219		
Subtotal Existing		1.030	0.650	0.000	1.680	0.010	3.831	0.000	3.841	6.543	+0.746 Outside
Subtotal Revegetation		0.441 <sup>2</sup>	0.750 <sup>3</sup>	0.509 <sup>4</sup>	1.700	0.321 <sup>2</sup>	1.710 <sup>3</sup>	0.140 <sup>4</sup>	2.171		+2.336 Inside
Grand Total Existing & Revegetation <sup>6</sup>		1.471	1.400	0.509	3.380	0.331	5.541	0.140	6.012		

<sup>1</sup> Available for currently proposed MHPA boundary adjustments and mitigation. Land inside the MHPA for adjustments purposes will be at a 4:1 ratio, subject to wildlife agency approval.

<sup>2</sup> Acreage to be revegetated with Tier I habitat. Total revegetation acreages may change as plan is implemented.

<sup>3</sup> Acreage to be revegetated with Tier II habitat. Total revegetation acreages may change as plan is implemented.

<sup>4</sup> Native grassland (Tier I) is result of habitat creation from ruidal land.

<sup>5</sup> Carmel View has been approved (Project No. 4449) using 1.7 acres of the Soledad site and 1.26 acres off-site in McGonigle Canyon to meet its MHPA adjustment (2.70 acres).

<sup>6</sup> Total after successful revegetation.

<sup>7</sup> Includes required 1.72 acres from outside of MHPA, and an additional compensation of .97 acre from within the MHPA.

<sup>8</sup> All land to be revegetated is currently ruidal.

The 5-year restoration maintenance and monitoring program, detailed in the biology report, would be funded by the applicants proposing the Carmel View, Peppertree Point, Gerst Residence, and the Clews Horse Ranch projects. The Clews Ranch applicant will fund its pro-rata share of the restoration and management of the property. Upon successful completion of the revegetation and monitoring period, the property owner may offer this area, in fee, to the City, and the City would assume management.

The land required for the boundary adjustment would increase the habitat acreage within the Soledad Canyon Preserve and would connect with other high quality Tier I and II habitat within Soledad Canyon. The Soledad Canyon MHPA replacement site supports Tier I and II habitats and the restoration of the site would include Del Mar Manzanita, Wart-Stemmed Ceanothus, Del Mar Sand Aster and Nuttall's Scrub Oak. The restored site would include the covered species found on the Clews Ranch project site in addition to other covered plant species listed in the restoration seed mix and should increase the conservation of other potentially occurring animal species.

The Clews Ranch project site does not support any noncovered species which are rare or at risk of meeting the criteria for listing under the Federal or State Endangered Species Acts. The exchange of the project MHPA land for the replacement land in Soledad Canyon would not increase the likelihood that noncovered species would meet the criteria for listing under either the Federal or State Endangered Species Act. A detailed discussion regarding the required functional equivalency criteria for the MHPA boundary adjustment is contained in the "Final Biological Resources Report, Clews Horse Ranch."

Compliance with historical Biological/MHPA, and Land Use/MHPA mitigation measures would reduce any impacts to below a level of significance.

### **Historical Resources**

According to the California Environmental Quality Act, a project that may have a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment. The determination of significance for historic buildings, structures, objects and landscapes is based on age, location, context, association with an important person or event, uniqueness, and integrity. The proposed project is located on a site that contains four structures which are part of the Mount Carmel Ranch, Historical Resource Board Site No. 391, which had been previously considered for designation on September 23, 1999. However, the potentially historic structures are not historically designated at this time. An adjacent parcel, which is not part of the project, contains the Stephen's Residence which was also considered for designation as part of Site No. 391.

Due to its consistency with the U.S. Secretary of the Interior's Standards, the proposed project was reviewed and conceptually supported by the City of San Diego Historical Resources Board Design Assistance Subcommittee on November 6, 2002. Their support was subject to the provision of historical documentation and the completion of the project consistent with the presentation. A report, the "Clews Horse Ranch Architectural Guidelines/Compliance with the Secretary of the Interior Standards for Treatment for Historic Properties," (September 2004) was prepared by Estrada Land Planning and revised by RBF Consulting. According to the report, four significant historic structures including "Beth's Cottage" (circa 1919), a barn (circa 1921), a milking shed (circa 1925), and a tack room are located on the project site. In addition, the site contains a boat shed built around 1970 which will be demolished; and a silo that may remain on-site.

The cottage and barn would be disassembled and relocated closer together on the project site near the milking shed. This configuration would locate all of the structures closer to the former Stephens Residence to broaden the historical context of the assembled buildings. The context would be reinforced by the creation of an allée (a double row of trees) along a portion of the private accessway leading to the Stephens Residence. The allée of (10-gallon California Sycamores planted among the existing

Magnolias) would mimic the previous allée destroyed as part of the SR 56 construction. The historic structures would be reconstructed with the material salvaged during the disassembly to retain their historical appearance. If existing materials can not be salvaged new materials would be substituted that are consistent with the historic appearance.

The barn would be reconstructed as a wood-framed structure with salvaged material used as siding, and a new corrugated metal roof installed consistent with the existing roof. The milking shed would remain in the same location. The tack room would be relocated intact nearer the proposed east residence for use by the ranch manager; however, due to poor condition it may be disassembled and reconstructed in the new location or remain at the current location. All of these structures would become part of the working ranch, as described in the earlier section (Structures/Uses).

The two proposed new single-family residences would be constructed in the early California ranch style consistent with the underlying zone, the historical structures remaining on-site, and the architectural guidelines. The employee residence from the existing ranch would be relocated to the new site for continued use by ranch employees. This mobile home may be replaced by a new model or by a manufactured home. The proposed allée and dense landscaping are intended to soften the appearance of the employee residence and provide additional privacy.

Since the first draft MND was circulated, the historic report was revised to incorporate information regarding the collapse of the Big Silo and provide additional information regarding the compliance with the Secretary of the Interior's Standards for Treatment of Historic Properties. According to the "Update and Analysis of the Mt. Carmel Ranch (Clews Horse Ranch) Compliance with the Secretary of the Interior's Standards for Treatment of Historic Properties," the proposed project meets the Secretary of the Interior's Standards for the Treatment of Historic Properties. It would retain the existing ranch use of the property and would incorporate the key historic elements of the ranch into the new design. Original materials from these structures would be used whenever possible, and the project would not introduce historic elements or materials from other historic sites. New buildings would not imitate the existing architecture, but would employ update early vernacular California ranch styles that address the functional needs of a contemporary working ranch to avoid the creation of a false sense of historicity. Historical modifications to key buildings would not be changed. All salvageable materials from these buildings would be used; where not possible, any new materials or features would replicate the original. The project does not propose the use of chemical and physical treatments and does not involve archaeological resources. Lastly, after relocation and reconstruction, the modification of the existing key buildings is not proposed.

All of the proposed structures would be required to be consistent with the architectural guidelines outlined within the report prepared for this project. Compliance with historical mitigation measures would reduce any impacts to below a level of significance.

### ***Collapse of the Big Silo***

Since the first public distribution of the draft MND, the big silo collapsed on the site in July 2005. Due to the silo collapse, a report, the "Results of the Examination of the Big Silo, Mt. Carmel Ranch, and Determination of Impacts and Mitigation Measures" (August 2005) was prepared by Archaeos. According to the report, the big silo was approximately 73 years old, and was constructed in conjunction with the modernization of the dairy. The silo would be considered interesting but not significant in its own right if it were not associated with the Mt. Carmel Ranch complex. It is considered a contributing component to the overall locally and nationally designated historical landscape, and therefore, its toppled condition constituted a significant adverse impact to the resource. The condition of the silo was poor. Aside from the damage caused during its fall, the redwood boards were riddled with the effects of termite infestation and dry rot. Most of the pieces were very brittle and some crumbled to the touch; and

it was determined that the silo could not be salvaged, restored or rehabilitated. Therefore, it was recommended that black-and-white photo documentation be conducted, and the silo measured, and a blue line of the structure prepared as mitigation. This approach is consistent with the City's Historical Mitigation Monitoring and Reporting Program for historic resources, and the mitigation was completed and accepted by staff in November 2005. Following the acceptance of the historic documentation, the City granted authorization for the demolition of the silo. This action was allowed pursuant to the Municipal Code Section 126.0704 (f), which allows a Coastal Development Permit exemption for "Any action necessary to abate a public nuisance as provided under California Public Resources Code Section 30005(b)." A SDP was required to allow the demolition of the historic silo. However, emergency authorization was granted to allow the demolition of the historic resource pursuant to San Diego Municipal Code Section 143.0214 prior to obtaining the SDP. The SDP is being processed as part of this action. Since the mitigation was completed and accepted by staff; impacts to historical resources, the big silo, were reduced to below a level of significance.

### **Historic Resources - Archaeology**

San Diego County is known for intense and diverse prehistoric occupation and important archaeological resources; and the county has been inhabited by various cultural groups spanning 10,000 years or more. Campsites, villages, and artifacts have been recorded throughout San Diego County.

According to the records located in the Land Development Review Library, the project site is located in an area of high archaeological sensitivity. Therefore, an archaeological report, "Clews Horse Ranch, Carmel Valley, San Diego, California (PTS No. 5568: Job Order No. 41-0522) Archaeological Resources," (September 1, 2004) was prepared by Affinis for the project site. According to the report, the portion of the property proposed for development was surveyed for cultural resources by Caltrans personnel in conjunction with CVREP. The associated ranch complex (Mount Carmel Ranch) was identified as historically significant in the areas of agriculture, health/medicine, religion, and vernacular architecture. The property is distinctive in that it was operated by nuns and was directly linked to their charitable activities. Due to the age of the ranch complex (turn of the 20<sup>th</sup> Century) and its rural character, there is a potential for encountering historic archaeological material, such as trash dumps, privy pits, root cellars, foundations of other structures no longer standing, and other features or artifacts.

During earlier historic work, one prehistoric archaeological site was recorded partially within the project area, in the area of the house and associated outbuildings, and was tested to assess site significance. The prehistoric site was determined not to be a significant resource; and no mitigation measures are required for that site. However, due to the alluvial setting, there is a potential for encountering buried cultural resources during grading; especially since significant buried deposit was found during the excavation for the channelization of Carmel Valley Creek. Therefore, on October 1, 2004 qualified City staff surveyed the site for resources and subsequently recorded one new site. Since the new site is located in close proximity to an existing site (CA SDI-11029) the new site may be actually be a locus of 11029. Due to the disturbed nature of the site, testing was not recommended. However, due to the potential for historic archaeological features as well as buried prehistoric resources within the alluvium, both City staff and the archaeological report recommended monitoring for all grading, trenching, excavation, and removal of native soils associated with the project.

Since there is a potential for project construction to impact cultural resources, archaeological monitoring of the site would be required, and a Mitigation, Monitoring and Reporting Program (MMRP) would be implemented. The MMRP requires that a qualified archaeologist monitor excavation activities to inspect for in-situ cultural resources. In the event that such resources are discovered, excavation would be halted or diverted to allow recovery, evaluation, and recordation of materials. The MMRP is detailed in Section V of the attached Mitigated Negative Declaration. Implementation of the MMRP would reduce project-related impacts to below a level of significance.



### **Paleontological Resources**

According to "Geotechnical Investigation Clews Horse Ranch" (January 24, 2003) prepared by GEOCON, the project area is underlain by the Bay Point Formation and the Scripps Formation/Torrey Sandstone. These formations are considered to have a high potential for paleontological resources. The Torrey Sandstone formation has produced important remains of fossil plants and marine invertebrates; the Scripps Formation has produced the remains of marine organisms, fossil reptiles and fossil wood; while the Bay Point Formation has produced large and diverse assemblages of well-preserved marine invertebrate fossils. The project would require the excavation of over 21,000 cubic yards of soil at a depth of 18 feet potentially impacting paleontological resources. Disturbance or loss of fossils without adequate documentation and curation would be considered a significant environmental impact. Therefore, a Mitigation, Monitoring, and Reporting Program as detailed in Section V of the MND would be implemented. The program requires that a qualified Paleontologist or Paleontological Monitor be present during excavations that could impact previously undisturbed formations. If significant paleontological resources are discovered, a recovery and documentation program would be implemented. With implementation of the Mitigation, Monitoring, and Reporting Program, impacts to paleontological resources would be reduced to below a level of significance.

### **Hazardous Materials**

Due to the historical use of the project site for agriculture, soil samples were taken to determine whether pesticide residue remained in the soil. Two sample locations were selected in an area formerly used for agricultural purposes; and soil samples were collected and analyzed by a State-certified analytical laboratory for organochlorine pesticides. A soils report, "Clews Horse Ranch, Carmel Country Road, San Diego, California, Soil Sampling Results," (August 26, 2004) was prepared by GEOCON. According to the report, pesticides were not detected at or above the laboratory detection limits at either soil sample location. Subsequently, City staff consulted with the County of San Diego Department of Environmental Health (DEH) regarding any potential health hazards associated with development of the rest of the property. DEH staff recommended that testing be required at the proposed residence locations to ensure that no health hazards are present, because the samples previously taken were at a different location. Therefore, the MMRP requires that the applicant provide a letter from the Environmental Health Department of the County of San Diego which concurs that human health, water resources, and the environment are adequately protected from any contamination that may have been present on the sites. This requirement has been incorporated within the MMRP, and implementation would reduce any impacts to below a level of significance.

The following environmental issues were considered in depth during the review of the project and were determined not to be significant:

### **Geologic Conditions**

According to the City of San Diego Seismic Safety Study Maps located in the Land Development Review Library, the site is located within Geologic Hazard Categories 31 (shallow groundwater), and 53 (level or sloping terrain). A "Geotechnical Investigation Clews Horse Ranch" (January 24, 2003) and an "Addendum Geotechnical Report Clews Horse Ranch" (August 12, 2003) were prepared by GEOCON to provide recommendations for the grading of the site and foundations for the three planned residential structures and for the proposed non-structural areas (horse arena and corrals). According to the reports, the soils encountered on-site included undocumented fill, topsoil, and Alluvium/Colluvium. A 100-foot-wide fault buffer zone crosses the site near the location of a proposed residence according to the City of San Diego Seismic Safety Study Maps. However, recent documented evidence indicates that no fault exists as previously mapped, and the seismic risk at the site is not considered any greater than the

surrounding developed areas. Groundwater was not encountered in any of the exploratory trenches near areas proposed for development and no visible signs (seeps or springs) were observed to suggest perched groundwater or localized wet zones. Due to the absence of a shallow groundwater table the potential for seismically induced soil liquefaction occurring at the site is considered to be very low. Conditions suggestive of landslides or unstable soils were also not observed during site reconnaissance or exploratory excavations during the field investigation. The report concluded that the natural slopes and proposed man-made slopes on the site would be stable with a factor of safety greater than 1.5 at the completion of site grading, and no soil or geologic conditions were encountered at the site that would preclude the development of the property as proposed. City Geology staff has concluded that the reports adequately address the geologic conditions. No mitigation would be required since no significant hazards are present on the site.

### **Water Quality/Hydrology**

A “Water Quality Technical Report Preliminary Drainage Design Analysis, Clews Horse Ranch” (October 2003, revised July 1, 2004) was prepared for this project by RBF Consulting. According to the report, the existing site is located within the 52-square-mile Los Peñasquitos watershed and is connected via storm drain to Carmel Valley Creek approximately 250 feet north of the project site. The project site accounts for less than 0.1 percent of the local watershed area. Under the existing condition, the project site drains from south to north towards Carmel Valley Creek, and the runoff generated from the site is directed towards a series of culverts. These culverts were constructed as part of the CVREP project and have been protected with adequate riprap to prevent erosion. The project pads would be graded to direct runoff away from the structures on the site, and vegetated swales would convey runoff around the site toward the outfall pipes to Carmel Valley Creek. The storm drain system would direct off-site runoff toward the 48-inch culvert, which is adequately sized to handle the runoff. A bio-retention area would also be constructed which would intercept runoff for treatment before directing the discharge to Carmel Valley Creek.

According to the report, this project is considered a medium priority project and is not expected to generate significant amounts of pollutants. The report identified potential project pollutants of concern which would include sediments, nutrients, metals, litter and trash, oxygen demanding substances (including biodegradable organic material and chemicals), oil, grease, and other hydrocarbons, and pesticides. Project Best Management Practices (BMPS) were selected for these pollutants. The source control BMPs would include the use of grass swales as an alternative to curbs and gutters along residential streets; riprap placed at culvert and storm drain outfalls to prevent erosion; the enclosure of dumpsters; the collection and temporary storage of animal waste, manure and bedding in facilities screened and self-contained to prevent contaminated run-off from leaving the site; the use of drip irrigation and drought tolerant landscaping; and regular landscape maintenance. The treatment control BMPs include the installation of vegetated swales and a bio-retention area. All permanent BMPs would be subject to a required regular maintenance plan.

It is anticipated that animal waste could be prevalent in both the pens and other holding areas, and on the trails throughout the horse ranch project site which could result in bacteria laden runoff. Therefore, subsequent to the distribution of the first draft MND, a “Water Quality Technical Report Addendum: Fate and Transport of Bacteria and Nutrients” (January 2006) was prepared by RBF Consulting to address the project’s potential to generate water quality pollutants of concern (specifically, bacteria and nutrients) and the probable fate and transport of these pollutants.

According to the report the operation of the horse ranch (135 horses and up to 16 cows) is not anticipated to generate significant amounts of bacteria. This is due to the small size of the operation, and also to the implementation of source control BMPs – specifically, an animal waste management program that would prevent the mobilization of bacteria into storm water. The bacteria and other pathogens

originating from animal waste onsite would be physically removed via an Animal Waste Control BMPs, and any remaining after clean-up would be controlled via the treatment BMPs. The treatment control BMPs would effectively target the treatment of pollutants that do enter the storm water to the maximum extent practicable. Any bacteria that might pass through the treatment control devices would have a low survivability in the environment due in part to the distance from the project site to the impaired downstream waters.

The proposed project is subject to the City's Standard Permanent Storm Water Best Management Practices (BMPs) and would be required to comply with all requirements of the State Water Resources Control Board Order No. 99-08, Municipal Storm Water Permit Order No. 2001-01, Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction Activity. A Storm Water Pollution Prevention Plan and a Monitoring Program Plan would also be implemented concurrently with the commencement of grading activities. Compliance with State and City Stormwater Standards would preclude direct and cumulatively considerable impacts to water quality.

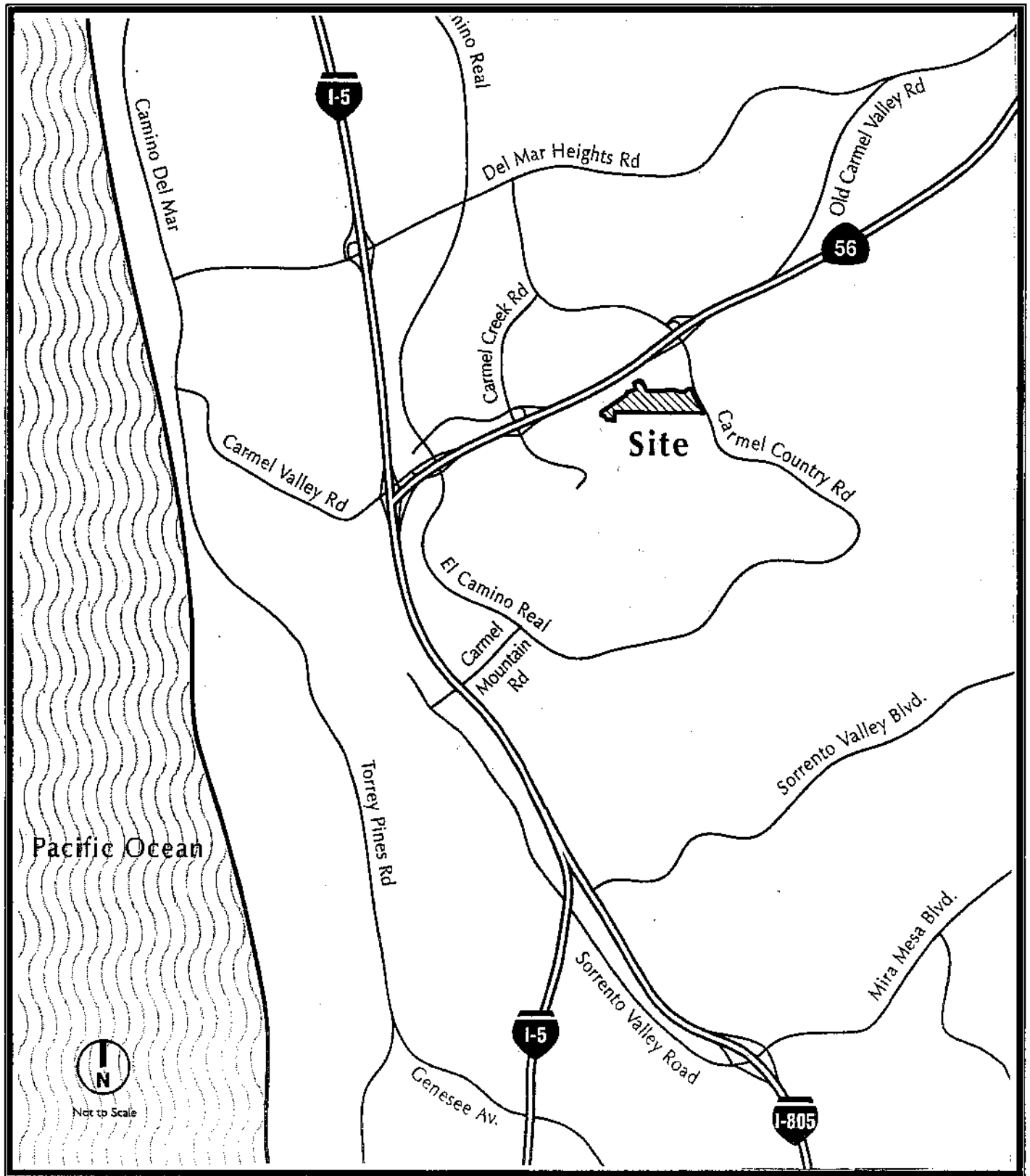
## **V. RECOMMENDATION:**

On the basis of this initial evaluation:

- ☐ The proposed project would not have a significant effect on the environment, and a **NEGATIVE DECLARATION** should be prepared.
- ☒ Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described in Section IV above have been added to the project. A **MITIGATED NEGATIVE DECLARATION** should be prepared.
- ☐ The proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** should be required.

**PROJECT ANALYST:** Mirrasoul

Attachments:     Figure 1 - Location Map  
                      Figure 2 - Site Map  
                      Figure 3 – Landscaping/Fencing Plan  
                      Figure 4 – Equestrian Trails  
                      Figure 5 - Rezone Exhibit  
                      Figure 6 - Vegetation Map  
                      Initial Study Checklist



**Location Map – Clews Horse Ranch**  
 Environmental Analysis Section Project No. 5568  
 CITY OF SAN DIEGO • DEVELOPMENT SERVICES

Figure  
**1**

# LEGEND

PERMIT BOUNDARY	---	1	EXISTING BETH'S COTTAGE TO BE RELOCATED*
EX. 100 YR FLOODPLAIN LIMIT	---	1A	RELOCATED BETH'S COTTAGE*
LOT LINE	---	2	EXISTING BARN TO BE RELOCATED*
DEVELOPMENT ENVELOPE	---	2A	RELOCATED EXISTING BARN*
EXISTING CONTOUR	---	3	EXISTING MILKING SHED TO REMAIN*
PROPOSED CONTOUR	---	4	EMPLOYEE HOUSING
MANUFACTURED SLOPE	---	5	RESIDENCE
CONCRETE	---	6	RESIDENCE
BROW DITCH	---	7	24'x24' CORRAL S (46)
BIO	---	8	24'x24' CORRAL S (18)
DRAINAGE SWALE	---	9	BARN
DIRECTION OF DRAINAGE FLOW	---	10	ROUND PEN
SEPTIC BOUNDARY	---	11	WALKER
GRAVEL PARKING	---	12	CLUB HOUSE
DG DRIVEWAY	---	13	BLEACHERS
PAVED DRIVEWAY	---	14	WASH RACK
ADDRESS DIRECTION SIGN	---	15	TACK ROOMS (9)
CACTUS FENCE W/PEELER POLE	---	16	TACK ROOM
PEELER POLE FENCE-3 RAIL	---	17	OFFICE
PIPE FENCE-5 RAIL	---	18	FOALING PENS
RETAINING WALL	---	19	STUD PENS 24'x24'
DOMESTIC WATERLINE	---	20	EXISTING BOAT SHED TO BE DEMOLISHED
FORCE MAIN	---	21	EXISTING SILO MAY REMAIN ONSITE
FIRE HYDRANT	---	22	EXISTING TACK ROOM TO BE RELOCATED*
WATER STORAGE TANK	---	22A	RELOCATED EXISTING TACK ROOM*
WATER METER	---	23	MANURE BIN
STORM DRAIN	---	24	TACK ROOMS - 4'x8', 6'x8' PAINTED ALUMINUM BUILDING
HEADWALL W/ RIP-RAP	---		*EXISTING STRUCTURES TO BE PRESERVED ARE NON-RESIDENTIAL
TRAIL	---		

DETAIL OF DEVELOPMENT AREA

OVERALL SITE PLAN



Site Plan - Clews Horse Ranch  
Environmental Analysis Section Project No. 5568  
CITY OF SAN DIEGO - DEVELOPMENT SERVICES

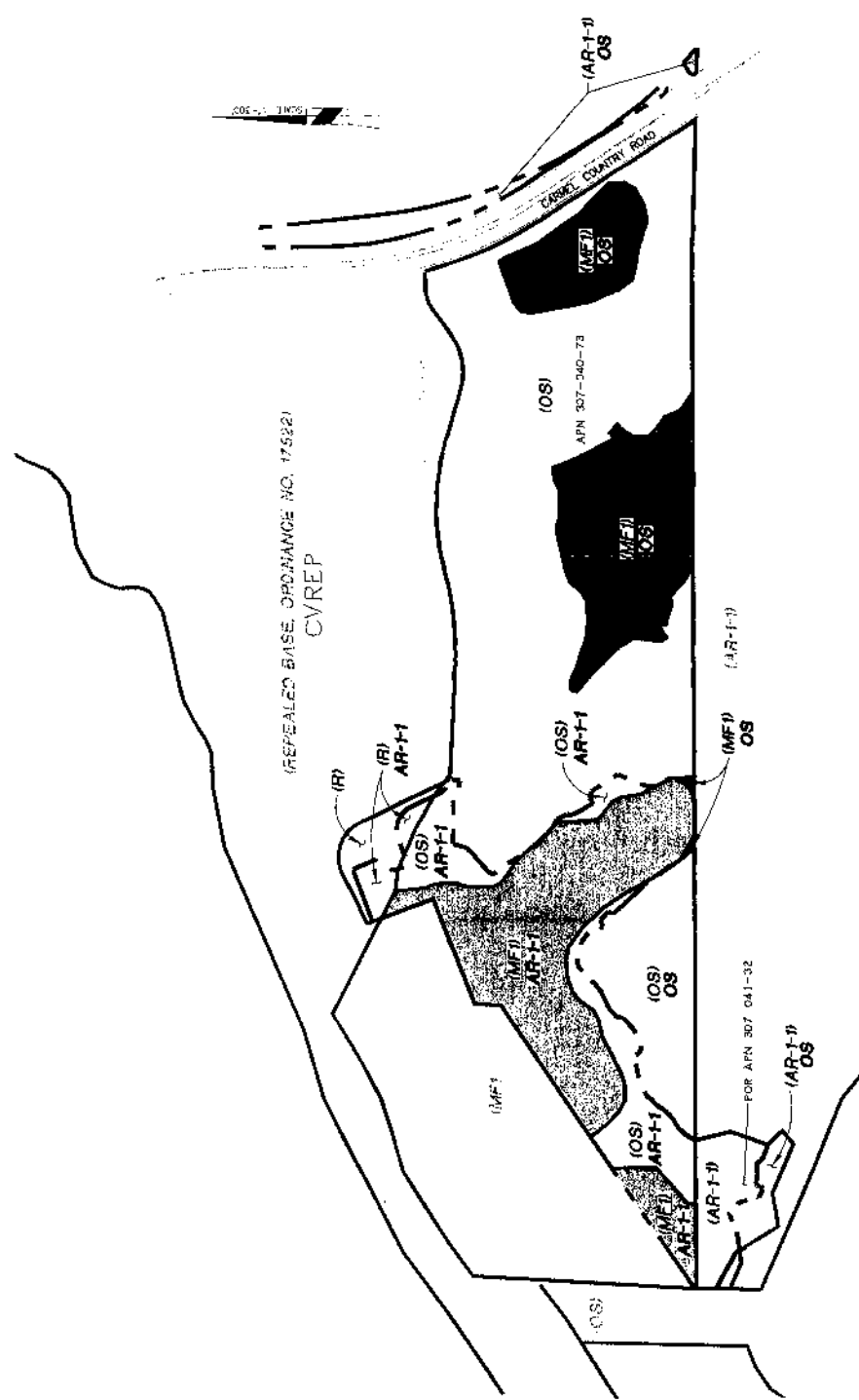






**Rezone Exhibit**  
**Clews Horse Ranch**  
 Environmental Analysis Section, Project No. 5568  
 CITY OF SAN DIEGO - DEVELOPMENT SERVICES

Figure  
**5**

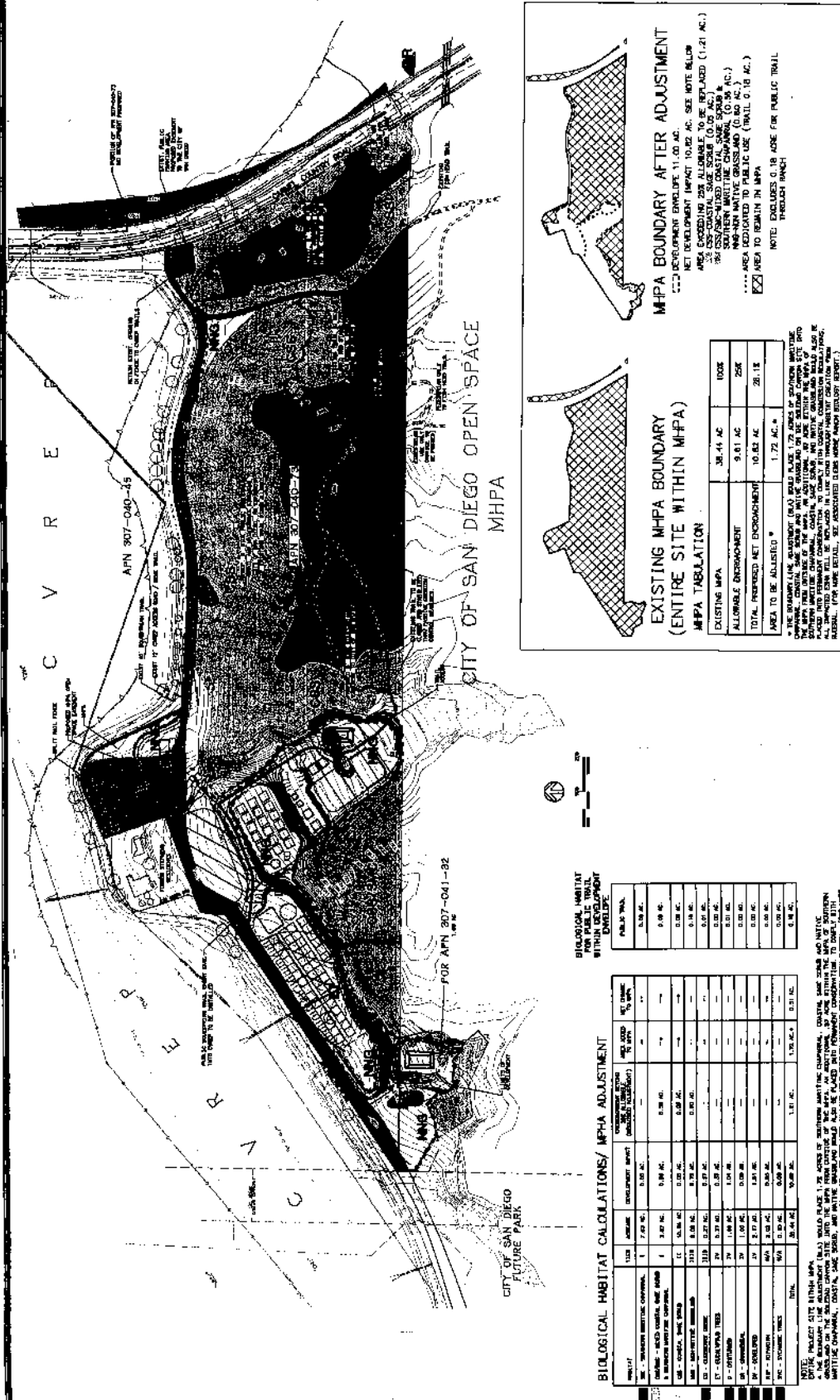


**LEGEND**

**CHERRY VALLEY PLANNED DISTRICT**

- (MF) - EXISTING MULTI-FAMILY ZONE OFFSITE
- (OS) - EXISTING OPEN SPACE ZONE OFFSITE
- (MF-1) - EXISTING MULTI-FAMILY ZONE ONSITE
- (OS) - EXISTING OPEN SPACE ZONE ONSITE
- EXISTING ZONE LINE
- PROPOSED DEVELOPMENT ENVELOPE
- PROJECT BOUNDARY
- (MF-1) - EXISTING MULTI-FAMILY ZONE; PROPOSED CHANGE TO AGRICULTURAL RESIDENTIAL ZONE 6.84 ACRES
- (OS) - EXISTING MULTI-FAMILY ZONE; PROPOSED CHANGE TO OPEN SPACE ZONE 0.27 ACRES
- (AR-1-1) - EXISTING OPEN SPACE ZONE; PROPOSED CHANGE TO AGRICULTURAL RESIDENTIAL ZONE 1.28 ACRES
- (R) - EXISTING REPEALED BASE, ORDINANCE NO. 175221; PROPOSED CHANGE TO AGRICULTURAL RESIDENTIAL ZONE 0.37 ACRES
- (AR-1-1) - EXISTING AGRICULTURAL RESIDENTIAL ZONE; PROPOSED CHANGE TO OPEN SPACE ZONE 1.51 ACRES
- (OS) - EXISTING OPEN SPACE ZONE; PROPOSED CHANGE TO OPEN SPACE ZONE 11.48 ACRES
- (R) - EXISTING REPEALED BASE, ORDINANCE NO. 175221 TO REMAIN REPEALED BASE, ORDINANCE NO. 175221 0.57 ACRES
- (AR-1-1) - EXISTING AGRICULTURAL RESIDENTIAL ZONE; PROPOSED CHANGE TO AGRICULTURAL RESIDENTIAL ZONE 1.02 ACRES





## Initial Study Checklist

Date: August 3, 2006

Project No.: 5568

Name of Project: Clews Horse Ranch

### III. ENVIRONMENTAL ANALYSIS:

The purpose of the Initial Study is to identify the potential for significant environmental impacts which could be associated with a project pursuant to Section 15063 of the State CEQA Guidelines. In addition, the Initial Study provides the lead agency with information which forms the basis for deciding whether to prepare an Environmental Impact Report, Negative Declaration or Mitigated Negative Declaration. This Checklist provides a means to facilitate early environmental assessment. However, subsequent to this preliminary review, modifications to the project may mitigate adverse impacts. All answers of "yes" and "maybe" indicate that there is a potential for significant environmental impacts and more information was needed and/or mitigation required. These determinations are explained in Section IV of the Initial Study.

Yes    Maybe    No

#### I. AESTHETICS / NEIGHBORHOOD CHARACTER – Will the proposal result in:

- A. The obstruction of any vista or scenic view from a public viewing area? —    —    X  
No substantial view blockage would result from the relocation of several historic structures and the ranch construction.
- B. The creation of a negative aesthetic site or project? —    —    X  
The project would incorporate the recommendations of the City of San Diego Historical Resources Board Design Assistance Subcommittee and would be consistent with the "Architectural Guidelines/Compliance with the Secretary of the Interior Standards for Treatment for Historic Properties" prepared for the project.
- C. Project bulk, scale, materials, or style which would be incompatible with surrounding

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
development? <u>The Clews Ranch project would comply with all applicable bulk and setback regulations.</u>	—	—	<u>X</u>
D. Substantial alteration to the existing character of the area? <u>The project would retain the rural character of the area. See I-B.</u>	—	—	<u>X</u>
E. The loss of any distinctive or landmark tree(s), or a stand of mature trees? <u>The project would not impact any significant trees.</u>	—	—	<u>X</u>
F. Substantial change in topography or ground surface relief features? <u>The project has been sited on the flatter portions of the site, and no significant alteration of the landform is proposed.</u>	—	—	<u>X</u>
G. The loss, covering or modification of any unique geologic or physical features such as a natural canyon, sandstone bluff, rock outcrop, or hillside with a slope in excess of 25 percent? <u>See I-F.</u>	—	—	<u>X</u>
H. Substantial light or glare? <u>All exterior lighting would comply with the City's Light Pollution Ordinance and the Multi-Habitat Planning Area (MHPA) Adjacency Guidelines.</u>	—	—	<u>X</u>
I. Substantial shading of other properties? <u>The project would adhere to all applicable setbacks and height limits.</u>	—	—	<u>X</u>
II. AGRICULTURE RESOURCES / NATURAL RESOURCES / MINERAL RESOURCES – Would the proposal result in:			
A. The loss of availability of a known mineral resource (e.g., sand or gravel) that would be of value to the region and the residents of the state?	—	—	<u>X</u>

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
<u>The project is not located in an area that contains significant mineral resources.</u>			
B. The conversion of agricultural land to nonagricultural use or impairment of the agricultural productivity of agricultural land?	—	—	<u>X</u>
<u>The project site contains farmland of Statewide importance. However, there are no current or recent farming operations on the site. The site is currently zoned multi-family, agriculture, and open space, and would be rezoned to allow agricultural use. The horse ranch use is allowed in the agricultural zone.</u>			
III. AIR QUALITY – Would the proposal:			
A. Conflict with or obstruct implementation of the applicable air quality plan?	—	—	<u>X</u>
<u>Necessary construction permits would require adherence to construction standards which prevent conflict with or obstruction of any air quality plan.</u>			
B. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	—	—	<u>X</u>
<u>See III-A.</u>			
C. Expose sensitive receptors to substantial pollutant concentrations?	—	—	<u>X</u>
<u>See III-A.</u>			
D. Create objectionable odors affecting a substantial number of people?	—	—	<u>X</u>
<u>The proposed project would be required to adhere to an animal waste management plan which would require regular removal of manure to a suitable disposal site. See Initial Study Discussion.</u>			
E. Exceed 100 pounds per day of Particulate Matter 10 (dust)?	—	—	<u>X</u>

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
<u>Dust would be generated temporarily during construction and would be controlled using standard construction techniques.</u>			
F. Alter air movement in the area of the project? <u>The proposed horse ranch is not of sufficient size, bulk, or scale to significantly alter the movement of air.</u>	—	—	<u>X</u>
G. Cause a substantial alteration in moisture, or temperature, or any change in climate, either locally or regionally? <u>The proposed horse ranch would not be expected to alter ambient conditions. See III-F.</u>	—	—	<u>X</u>
IV. BIOLOGY – Would the proposal result in:			
A. A reduction in the number of any unique, rare, endangered, sensitive, or fully protected species of plants or animals? <u>The construction of this project would impact sensitive habitat. Mitigation would reduce impacts to below a level of significance. See Initial Study Discussion.</u>	—	<u>X</u>	—
B. A substantial change in the diversity of any species of animals or plants? <u>See IV-A.</u>	—	—	<u>X</u>
C. Introduction of invasive species of plants into the area? <u>Landscaping associated with the project would adhere to the City of San Diego Landscape Guidelines, and the MSCP Subarea Plan. See Initial Study.</u>	—	<u>X</u>	—
D. Interference with the movement of any resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors? <u>The project has been designed to preclude impacts to the adjacent wildlife corridors.</u>	—	<u>X</u>	—

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
E. An impact to a sensitive habitat, including, but not limited to streamside vegetation, aquatic, riparian, oak woodland, coastal sage scrub or chaparral? <u>See IV-A.</u>	—	<u>X</u>	—
F. An impact on City, State, or federally regulated wetlands (including, but not limited to, coastal salt marsh, vernal pool, lagoon, coastal, etc.) through direct removal, filling, hydrological interruption or other means? <u>No wetland impacts are expected. See Initial Study Discussion.</u>	—	—	<u>X</u>
G. Conflict with the provisions of the City's Multiple Species Conservation Program Subarea Plan or other approved local, regional or state habitat conservation plan? <u>The project would require a MHPA boundary adjustment. Mitigation required. See Initial Study discussion.</u>	—	<u>X</u>	—
V. ENERGY – Would the proposal:			
A. Result in the use of excessive amounts of fuel or energy (e.g. natural gas)? <u>The proposed horse ranch development is anticipated to use typical levels of energy for a horse ranch.</u>	—	—	<u>X</u>
B. Result in the use of excessive amounts of power? <u>See V-A.</u>	—	—	<u>X</u>
VI. GEOLOGY/SOILS – Would the proposal:			
A. Expose people or property to geologic hazards such as earthquakes, landslides, mudslides, ground failure, or similar hazards? <u>The geotechnical reports prepared for the projects concluded that no soil or geologic conditions were encountered that would</u>	—	<u>X</u>	—

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
<u>preclude development of the property as proposed.</u>			
B. Result in a substantial increase in wind or water erosion of soils, either on or off the site? <u>The project would be appropriately landscaped or hydroseeded to prevent erosion.</u>	—	—	<u>X</u>
C. Be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? <u>The project is located within geologic hazard category 31 (shallow groundwater) and 53 (level or sloping terrain) within a 100-foot –wide fault buffer zone. See Initial Study. Standard construction practices would preclude hazards.</u>	—	<u>X</u>	—
VII. HISTORICAL RESOURCES – Would the proposal result in:			
A. Alteration of or the destruction of a prehistoric or historic archaeological site? <u>The project could potentially impact archaeological resources. Mitigation required. See Initial Study.</u>	—	<u>X</u>	—
B. Adverse physical or aesthetic effects to a prehistoric or historic building, structure, object, or site? <u>The project would impact potentially historic buildings. Mitigation required. See Initial Study.</u>	—	<u>X</u>	—
C. Adverse physical or aesthetic effects to an architecturally significant building, structure, or object? <u>See VII-B.</u>	—	—	<u>X</u>
D. Any impact to existing religious or sacred uses within the potential impact area? <u>No such uses occur on the project sites.</u>	—	—	<u>X</u>
E. The disturbance of any human remains,			

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
including those interred outside of formal cemeteries? <u>No such resources are expected.</u>	—	—	<u>X</u>

VIII. HUMAN HEALTH / PUBLIC SAFETY / HAZARDOUS MATERIALS: Would the proposal:

A. Create any known health hazard (excluding mental health)? <u>The proposed horse ranch project is not expected to create a health hazard.</u>	—	—	<u>X</u>
--	---	---	----------

B. Expose people or the environment to a significant hazard through the routine transport, use or disposal of hazardous materials? <u>The horse ranch operators do not propose to transport or utilize hazardous materials. Animal waste would be handled in accordance with a County-regulated management plan. See Initial Study.</u>	—	<u>X</u>	—
--	---	----------	---

C. Create a future risk of an explosion or the release of hazardous substances (including but not limited to gas, oil, pesticides, chemicals, radiation, or explosives)? <u>See VIII-B.</u>	—	—	<u>X</u>
--	---	---	----------

D. Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan? <u>Emergency plans for the area were addressed in the adopted Carmel Valley Community Plan, and the project would not conflict with the emergency plans.</u>	—	—	<u>X</u>
--	---	---	----------

E. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or environment? <u>The project site is not included on a list of hazardous materials sites. However, previous pesticide use on the site may pose a risk of exposure. Mitigation required. See Initial Study.</u>	—	<u>X</u>	—
---	---	----------	---

F. Create a significant hazard to the public or			
---	--	--	--



	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? <u>See VIII-A.</u>	—	—	<u>X</u>

IX. HYDROLOGY/WATER QUALITY – Would the proposal result in:

- |  |   |          |          |
|--|---|----------|----------|
| A. An increase in pollutant discharges, including down stream sedimentation, to receiving waters during or following construction?<br>Consider water quality parameters such as temperature dissolved oxygen, turbidity and other typical storm water pollutants.<br><u>Pre and post construction Best Management Practices would be implemented. Adherence to State Standards would preclude direct and cumulatively considerable impacts. See Initial Study.</u> | — | <u>X</u> | —        |
| B. An increase in impervious surfaces and associated increased runoff?<br><u>The construction of the horse ranch would increase the amount of impervious surfaces; however, adherence to State standards would preclude significant impacts. See IX-A.</u>   | — | <u>X</u> | —        |
| C. Substantial alteration to on- and off-site drainage patterns due to changes in runoff flow rates or volumes?<br><u>See IX-A.</u>  | — | <u>X</u> | —        |
| D. Discharge of identified pollutants to an already impaired water body (as listed on the Clean Water Act Section 303(b) list)?<br><u>See IX-A.</u>  | — | —        | <u>X</u> |
| E. A potentially significant adverse impact on ground water quality?<br><u>See IX-A.</u>   | — | —        | <u>X</u> |
| F. Cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses?<br><u>See IX-A.</u>   | — | —        | <u>X</u> |

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
X. LAND USE – Would the proposal result in:			
A. A land use which is inconsistent with the adopted community plan land use designation for the site or conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over a project? <u>The project would require a rezone, CVPDO amendment, a CDP, LCO Amendment, PDP, and a MHPA Boundary Adjustment. The City's Land Development Code provides a process for each of these actions. See Initial Study.</u>	—	—	<u>X</u>
B. A conflict with the goals, objectives and recommendations of the community plan in which it is located? <u>See X-A.</u>	—	—	<u>X</u>
C. A conflict with adopted environmental plans, including applicable habitat conservation plans adopted for the purpose of avoiding or mitigating an environmental effect for the area? <u>The project includes a MHPA boundary adjustment which is allowed by the MSCP Subarea Plan. See Section V, Initial Study Discussion.</u>	—	<u>X</u>	—
D. Physically divide an established community? <u>The project parallels CVREP and would not divide the community.</u>	—	—	<u>X</u>
E. Land uses which are not compatible with aircraft accident potential as defined by an adopted Airport Land Use Compatibility Plan (ALUCP)? <u>The project is not located within an ALUCP.</u>	—	—	<u>X</u>
XI. NOISE – Would the proposal result in:			
A. A significant increase in the existing ambient noise levels? <u>A temporary increase in noise within acceptable City thresholds would occur during standard construction hours.</u>	—	—	<u>X</u>
B. Exposure of people to noise levels which			

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>	
exceed the City's adopted noise ordinance? <u>Noise levels at the site would fall within the allowable level.</u>		—	—	<u>X</u>
C. Exposure of people to current or future transportation noise levels which exceed standards established in the Transportation Element of the General Plan or an adopted airport Comprehensive Land Use Plan? <u>See XI-B.</u>		—	—	<u>X</u>
XII. PALEONTOLOGICAL RESOURCES: Would the proposal impact a unique paleontological resource or site or unique geologic feature? <u>Excavation for the project may impact previously undisturbed Bay Point, Scripps, and Torrey Sandstone formations which have been assigned a high resource potential. Mitigation Required. See Initial Study.</u>		—	<u>X</u>	—
XIII. POPULATION AND HOUSING – Would the proposal:				
A. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? <u>The proposed project would construct a horse ranch with two residences and farm employee housing rather than multi-family housing allowed by the existing zone.</u>		—	—	<u>X</u>
B. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? <u>The existing historic housing would be retained.</u>		—	—	<u>X</u>
C. Alter the planned location, distribution, density or growth rate of the population of an area? <u>The project would reduce the planned density for the site; however, as part of the</u>		—	—	<u>X</u>

Yes   Maybe   No

approval process the site would be rezoned.

XIV. PUBLIC SERVICES – Would the proposal result in substantial adverse physical impacts associate with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts in order to maintain acceptable service rations, response times or other performance objectives for any of the public services:

- |  |   |   |          |
|--|---|---|----------|
| A. Fire protection?  | — | — | <u>X</u> |
| <u>The site would be served by Engine 24 from Fire Station 24 at Del Mar Heights and Hartfield with a response time of 5.1 minutes, Engine 41 from Fire Station 41 at Scranton and Carroll Canyon Roads with a response time of 9.8 minutes, Engine 40 and Truck 40 from Fire Station 40 at Salmon River and Paseo Montalban with response times of 10.8 minutes. The project would also include two 5,000-gallon private emergency water storage tanks.</u> |   |   |          |
| B. Police protection?  | — | — | <u>X</u> |
| <u>The project is located within Police Beat 117 in the Carmel Valley community which is in the boundaries of the Northern Police command. The response times for Beat 117 are 10.45 minutes for Priority E calls compared to the city-wide average of 7.24 minutes, and 23.07 minutes for Priority One calls compared to the city-wide average of 14.35 minutes.</u>  |   |   |          |
| C. Schools?  | — | — | <u>X</u> |
| <u>The proposed project is not expected to affect such facilities. While it is possible that school-age children may at some time live at the on-site facilities, SB 50 precludes lead agencies from requiring school impact mitigation.</u>   |   |   |          |
| D. Parks or other recreational facilities?   | — | — | <u>X</u> |

		<u>Yes</u>	<u>Maybe</u>	<u>No</u>
	<u>The project would provide private and public recreational opportunities.</u>			
E.	Maintenance of public facilities, including roads? <u>The project would not result in a significant increase in the use of public facilities.</u>	—	—	<u>X</u>
XV.	RECREATIONAL RESOURCES – Would the proposal result in:			
A.	Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? <u>The provision of adequate recreational facilities has been included within the adopted Carmel Valley Community Plan. See XIV-D.</u>	—	—	<u>X</u>
B.	Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? <u>See XIV-A and XIV-D.</u>	—	—	<u>X</u>
XVI.	TRANSPORTATION/CIRCULATION – Would the proposal result in:			
A.	Traffic generation in excess of specific/ community plan allocation? <u>The project has been designed to be consistent with the Carmel Valley Community Plan and City transportation policies and standards.</u>	—	—	<u>X</u>
B.	An increase in projected traffic which is substantial in relation to the existing traffic load and capacity of the street system? <u>See XVI-A.</u>	—	—	<u>X</u>
C.	An increased demand for off-site parking? <u>Required parking would be provided.</u>	—	—	<u>X</u>
D.	Effects on existing parking?	—	—	<u>X</u>

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
<u>See XVI-C.</u>			
E. Substantial impact upon existing or planned transportation systems? <u>See XVI-A.</u>	—	—	<u>X</u>
F. Alterations to present circulation movements including effects on existing public access to beaches, parks, or other open space areas? <u>A public equestrian trail would be provided through the ranch. Trail Access and Closure Plan is also required. See Initial Study.</u>	—	<u>X</u>	—
G. Increase in traffic hazards for motor vehicles, bicyclists or pedestrians due to a proposed, non-standard design feature (e.g., poor sight distance or driveway onto an access-restricted roadway)? <u>The project was designed in conformance with traffic safety standards.</u>	—	—	<u>X</u>
H. A conflict with adopted policies, plans or programs supporting alternative transportation models (e.g., bus turnouts, bicycle racks)? <u>No such conflicts are proposed.</u>	—	—	<u>X</u>
XVII. UTILITIES – Would the proposal result in a need for new systems, or require substantial alterations to existing utilities, including:			
A. Natural gas? <u>Adequate services are available.</u>	—	—	<u>X</u>
B. Communications systems? <u>See XIV-A.</u>	—	—	<u>X</u>
C. Water? <u>See XIV-A.</u>	—	—	<u>X</u>
D. Sewer? <u>See XIV-A.</u>	—	—	<u>X</u>
E. Storm water drainage? <u>See XIV-A.</u>	—	—	<u>X</u>
F. Solid waste disposal? <u>See XIV-A.</u>	—	—	<u>X</u>

Yes    Maybe    No

XVIII. WATER CONSERVATION – Would the proposal result in:

- |  |   |   |          |
|--|---|---|----------|
| A. Use of excessive amounts of water?<br><u>Typical usage by a horse ranch would occur.</u>  | — | — | <u>X</u> |
| B. Landscaping which is predominantly non-drought resistant vegetation?<br><u>Landscaping would comply with the City of San Diego's Landscape Design Manual and the MSCP Subarea Plan.</u> | — | — | <u>X</u> |

XIX. MANDATORY FINDINGS OF SIGNIFICANCE:

- |  |   |   |          |
|--|---|---|----------|
| A. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?<br><u>Paleontological, historical, biological, Land Use (MHPA boundary adjustment) mitigation measures are required reducing potential impacts to below a level of significance.</u> | — | — | <u>X</u> |
| B. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time while long-term impacts would endure well into the future.)<br><u>No potential long-term environmental impacts have been identified.</u>   | — | — | <u>X</u> |
| C. Does the project have impacts which are individually limited, but cumulatively considerable? (A project may impact on   |   |   |          |

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environment are significant.) <u>The project's compliance with the City's storm water standards would preclude a considerable contribution to cumulative water quality impacts.</u>	<u>—</u>	<u>—</u>	<u>X</u>
D. Does the project have environmental effects which would cause substantial adverse effects on human beings, either directly or indirectly? <u>No such effects would occur.</u>	<u>—</u>	<u>—</u>	<u>X</u>



## INITIAL STUDY CHECKLIST

### REFERENCES

#### I. Aesthetics / Neighborhood Character

☐ City of San Diego Progress Guide and General Plan.

☒ Community Plan.

☐ Local Coastal Plan.

#### II. Agricultural Resources / Natural Resources / Mineral Resources

☐ City of San Diego Progress Guide and General Plan.

☒ U.S. Department of Agriculture, Soil Survey - San Diego Area, California, Part I and II, 1973.

☒ California Department of Conservation - Division of Mines and Geology, Mineral Land Classification.

☐ Division of Mines and Geology, Special Report 153 - Significant Resources Maps.

☐ Site Specific Report: \_\_\_\_\_.

#### III. Air - N/A

☐ California Clean Air Act Guidelines (Indirect Source Control Programs) 1990.

☐ Regional Air Quality Strategies (RAQS) - APCD.

☐ Site Specific Report: \_\_\_\_\_.

#### IV. Biology

☐ City of San Diego, Multiple Species Conservation Program (MSCP), Subarea Plan, 1997

☒ City of San Diego, MSCP, "Vegetation Communities with Sensitive Species and Vernal Pools" maps, 1996.

- \_\_\_ City of San Diego, MSCP, "Multiple Habitat Planning Area" maps, 1997.
- \_\_\_ Community Plan - Resource Element.
- \_\_\_ California Department of Fish and Game, California Natural Diversity Database, "State and Federally-listed Endangered, Threatened, and Rare Plants of California," January 2001.
- \_\_\_ California Department of Fish & Game, California Natural Diversity Database, "State and Federally-listed Endangered and Threatened Animals of California," January 2001.
- \_\_\_ City of San Diego Land Development Code Biology Guidelines.
- X   Site Specific Report: "Final Biological Resources Report for the Clews Horse Ranch" prepared by Affinis, dated July 17, 2006.
- V.     Energy – N/A**  
\_\_\_\_\_  
\_\_\_\_\_
- VI.    Geology/Soils**
- X   City of San Diego Seismic Safety Study.
- \_\_\_ U.S. Department of Agriculture Soil Survey - San Diego Area, California, Part I and II, December 1973 and Part III, 1975.
- X   Site Specific Reports: "Geotechnical Investigation Clews Horse Ranch" (January 24, 2003), "Addendum Geotechnical Report Clews Horse Ranch" (August 12, 2003), prepared by GEOCON.
- VII.   Historical Resources**
- X   City of San Diego Historical Resources Guidelines.
- X   City of San Diego Archaeology Library.
- \_\_\_ Historical Resources Board List.
- \_\_\_ Community Historical Survey:

- X Site Specific Reports: "Update and Analysis of the Mt. Carmel Ranch (Clews Horse Ranch) Compliance with the Secretary of the Interior's Standards for Treatment of Historic Properties" (November 2005) prepared by Archaeos which incorporates the "Clews Horse Ranch Architectural Guidelines/Compliance with Secretary of the Interior Standards for Treatment for Historic Properties," dated September 2004, revised June 2006, Estrada Land Planning, and the "Results of the Examination of the Big Silo, Mt. Carmel Ranch, and Determination of Impacts and Mitigation Measures" prepared by Archaeos (August 22, 2005).

#### **VIII. Human Health / Public Safety / Hazardous Materials**

- X San Diego County Hazardous Materials Environmental Assessment Listing, 1996.
- San Diego County Hazardous Materials Management Division
- FAA Determination
- State Assessment and Mitigation, Unauthorized Release Listing, Public Use Authorized 1995.
- Airport Comprehensive Land Use Plan.
- X Site Specific Report: "Clews Horse Ranch, Carmel Country Road, San Diego, California, Soil Sampling Results," dated August 26, 2004, prepared by GEOCON.

#### **IX. Hydrology/Water Quality**

- Flood Insurance Rate Map (FIRM).
- Federal Emergency Management Agency (FEMA), National Flood Insurance Program - Flood Boundary and Floodway Map.
- X Clean Water Act Section 303(b) list, dated May 19, 1999, [http://www.swrcb.ca.gov/tmdl/303d\\_lists.html](http://www.swrcb.ca.gov/tmdl/303d_lists.html)).
- X Site Specific Report: "Water Quality Technical Report Preliminary Drainage Design Analysis, Clews Horse Ranch" (October 2003, revised July 1, 2004), and "Water Quality Technical Report Addendum: Fate and Transport of Bacteria and Nutrients" (January 2006) was prepared by RBF Consulting.

#### **X. Land Use**

☐ City of San Diego Progress Guide and General Plan.

☒ Community Plan.

☐ Airport Land Use Compatibility Plan

☐ City of San Diego Zoning Maps

☐ FAA Determination

#### **XI. Noise – NA**

☐ Community Plan

☐ Site Specific Report: \_\_\_\_\_.

☐ San Diego International Airport - Lindbergh Field CNEL Maps.

☐ Brown Field Airport Master Plan CNEL Maps.

☐ Montgomery Field CNEL Maps.

☐ San Diego Association of Governments - San Diego Regional Average Weekday Traffic Volumes.

☐ San Diego Metropolitan Area Average Weekday Traffic Volume Maps, SANDAG.

☐ City of San Diego Progress Guide and General Plan.

☐ Site Specific Report: : \_\_\_\_\_.

#### **XII. Paleontological Resources**

☒ City of San Diego Paleontological Guidelines.

☒ Thomas A., and Stephen L. Walsh, "Paleontological Resources City of San Diego," Department of Paleontology San Diego Natural History Museum, 1996.

☒ Kennedy, Michael P., and Gary L. Peterson, "Geology of the San Diego Metropolitan Area, California. Del Mar, La Jolla, Point Loma, La Mesa, Poway, and SW 1/4 Escondido 7 1/2 Minute Quadrangles," California Division of Mines and Geology Bulletin 200, Sacramento, 1975.

\_\_\_\_ Kennedy, Michael P., and Siang S. Tan, "Geology of National City, Imperial Beach and Otay Mesa Quadrangles, Southern San Diego Metropolitan Area, California," Map Sheet 29, 1977.

\_\_\_\_ Site Specific Report:\_\_\_\_\_.

**XIII. Population / Housing – N/A**

\_\_\_\_ City of San Diego Progress Guide and General Plan.

\_\_\_\_ Community Plan.

\_\_\_\_ Series 8 Population Forecasts, SANDAG.

\_\_\_\_ Other:\_\_\_\_\_.

**XIV. Public Services – N/A**

\_\_\_\_ City of San Diego Progress Guide and General Plan.

\_\_\_\_ Community Plan.

**XV. Recreational Resources – N/A**

\_\_\_\_ City of San Diego Progress Guide and General Plan.

\_\_\_\_ Community Plan.

\_\_\_\_ Department of Park and Recreation

\_\_\_\_ City of San Diego - San Diego Regional Bicycling Map

\_\_\_\_ Additional Resources:\_\_\_\_\_.

**XVI. Transportation / Circulation – N/A**

\_\_\_\_ City of San Diego Progress Guide and General Plan.

\_\_\_\_ Community Plan.

\_\_\_\_ San Diego Metropolitan Area Average Weekday Traffic Volume Maps, SANDAG.

\_\_\_\_ San Diego Region Weekday Traffic Volumes, SANDAG.

\_\_\_\_ Site Specific Report:\_\_\_\_\_.

**XVII. Utilities – N/A**

\_\_\_\_

**XVIII. Water Conservation – N/A**

\_\_\_\_ Sunset Magazine, New Western Garden Book. Rev. ed. Menlo Park, CA: Sunset Magazine.